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Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1686 TO 1722:

BEING PART I. OF PAPERS RELATING TO THAT PERIOD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME II.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

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MANCHESTER:

JOHN B. CLARKE, STATE PRINTER.

1868.

TABLES

Showing the Chief Magistrates of New Hampshire during the periods embraced in the First and Second volumes of this Provincial History; or (1st) from 1641 to 1686; and (2d) from 1686 to 1722. Also, the reigning Kings of England during the same periods.

TABLE I.—VOLUME I.

A. D.	Kings of England.	Governors of Massachusetts and New Hampshire.
1641	Charles I.	Richard Bellingham.
1642	"	John Winthrop.
1644	"	John Endecott.
1645	"	Thomas Dudley.
1646	"	John Winthrop.
1649	The Commonwealth.	John Endecott.
1650	"	Thomas Dudley.
1651	"	John Endecott.
1654	"	Richard Bellingham.
1655	"	John Endecott.
1660	Charles II.	"
1665	"	Richard Bellingham.
1673	"	John Leverett.
1679	"	Simon Bradstreet.

TABLE II.

A. D.	Kings of England.	Chief Magistrates of New Hampshire.
1680	Charles II.	John Cutt.
1681	"	Richard Waldron.
1682	"	Edward Cranfield.
1685	James II.	Walter Barefoote.
1686	"	Joseph Dudley (1).
1687	"	Edmund Andros (1).
1689	William III.	Simon Bradstreet (1).
1692	"	John Usher.
1697	"	William Partridge.
1698	"	Samuel Allen.
1699	"	Earl of Bellomont (1).
1702	Queen Anne.	Joseph Dudley (1).
1714	George I.	" "
1716	"	Samuel Shute (1).

(1) Also Governors of Massachusetts.

EDITOR'S PREFACE.

In the preparation of this volume, the Editor has adhered to the rules adopted in the first, viz.: In copying and preparing matter for the Press, he has aimed to preserve the exact language of the original or copy before him; particularly in writing *proper names.* In no case has the construction or grammar of a sentence been changed or a word altered. In copying strictly *original* papers, not only has the orthography, but the capitals and abbreviations, been followed. The punctuation, which in most cases was entirely wanting, the Editor has supplied.

This second volume extends over a longer period than was at first contemplated. The reason is, that by this arrangement the unity of the Council Minutes and Records, from 1692 to 1722, is preserved; after which period there is a *chasm* in the Council Records, till 1742. Incorporated with the Records in this volume, will be found numerous Papers, Letters and Documents which relate to correspondent matters within the same period, and which serve to throw much light on the Records.

The third volume will cover a large portion of the same period with the second, and will contain "*The Journal of the Council and Assembly,*" together with such official Papers and Documents as relate to the transactions of that body; also, the Province Laws passed between 1696 and 1716.

The Editor gratefully acknowledges his obligations to His Excellency Governor Walter Harriman, for the courtesy, counsel and encouragement given him in the prosecution of his labors; and also, to the Secretary of State and his Deputy, and to the State Librarian, for free access to Documents and Books, in their respective departments.

Concord, November, 1868.

GENERAL CONTENTS.

VOLUME II.

	PAGES.
Commission and Administration of Sir John Andros, .	1– 29
Unsettled state of the Province—1689–1692, . .	29– 46
Wars with the Indians—1687–1690, ...	46– 56
Commission and Instructions to Gov. Samuel Allen, .	57– 69
Administration of Lieut. Gov. John Usher—1692–1696,	
"Minutes of Council," &c., in same period, . .	70–202
Custom-house in the Province, ...	77– 84
Great Island—Petition for a Township, . .	94– 98
Charter of Town of New Castle, ...	107–108
Indian Treaty—1693, ...	110–112
Massacre at Oyster River, ...	125–129
Grant of the Town of Kingston, ...	131–132
Records of Council—1696–1723, ...	203–514
Association to stand by the Protestant Succession,	258–259
Commission of Lt. Gov. Wm. Partridge, . .	250–260
Gov. Samuel Allen assumes the Government, .	276
Submission of the Eastern Indians—1698, . .	299–300
Commission of the Earl of Bellomont, . . .	305–312
Form of Oath, ...	312–313
Lt. Gov. Wm. Partridge, ...	313
Treaty with Algiers, ...	334
Bellomont Papers (N. Y. Documents), . .	343–358
Commission of Gov. Joseph Dudley—1702, . .	366–375
Commission of Lt. Gov. John Usher—1703, . .	406–407
Province Seal, ...	409
Trial, before the Superior Court of Judicature, Allen vs. Waldron, 1707, ...	514–562

PAGES.

RECORDS OF COUNCIL—resumed, ... 563–748
Privateering, ... 578
Instructions to Gov. Dudley, ... 580
Notice of Joseph Smith, Esq., of Hampton, . 587
Ordnance, Powder, shot, &c., for New Hampshire, 599
New Province Seal, ... 610
Failure of the expedition against Canada—1711, . 629–631
Scout of Capt. Thomas Baker—1712, ... 635
Treaty of Utrecht—Proclamation, ... 644–659
Death of Queen Anne; Accession of George I.—
1714, ... 662–664
Notice of Charles Story, Esq., ... 670
Gov. Vaughan, Lt. Gov.—1715, ... 678
Stratham—a township, ... 691
Gov. Samuel Shute—arrives, ... 695
Lt. Gov. Vaughan's Complaint and Speech, . 703–704
" " suspended, ... 710
John Wentworth, Esq., Lt. Gov., Commission, . 712
Settlement of Scotch-Irish at Nutfield, . . 718, 736, 738

[See General Index at end.]

NEW-HAMPSHIRE

PROVINCIAL PAPERS.

VOLUME II.

Commission of Sir Edmund Andros, as Governor of the Territory and Dominion of New-England.

[From a Copy in the office of Secretary of State.]

JAMES the Second, by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c., To our trusty and well-beloved Sir EDMUND ANDROS,* Knight, greeting:

Whereas the government of that part of our Territory and Dominion of NEW-ENGLAND hereafter mentioned, is now in our hands, and being minded to give all protection and encouragement to our good subjects therein, and to provide in the most effectual manner for their security and welfare—WEE, therefore, reposing especiall trust and confidence in the prudence, courage and loyalty

* Sir Edmund Andros was born in London, Dec. 6, 1637. His ancestors were from Northampshire, of considerable note, and always devoted to royalty. AMICE, the father of Edmund, married Elizabeth Stone, sister of Sir Robert Stone, knight, cupbearer to the Queen of Bohemia, and captain of a troop of horse in Holland, and was Master of Ceremonies to King Charles the First at the time of his son Edmund's birth, who was brought up from a boy in the royal family, and in its exile commenced his career of arms in Holland, under Henry, Prince of Nassau. After the restoration of Charles II., having been inviolably faithful to His Majesty, Edmund was made Gentleman in Ordinary to Elizabeth Stuart, Queen of Bohemia, the King's aunt. Subsequently he distinguished himself in the war waged by Charles II. against the Dutch, and which ended in 1667. He married, in 1671, Mary, daughter of Sir Thomas Craven; and, in 1672, was commander of the forces in the Barbadoes, and had obtained the reputation of being skilled in American affairs. In 1674, on the death of his father, he became Seigneur of the Fiefs, and succeeded to the office of Bailiff of Guernsey. The same year he was constituted, by the King, Governor-General of the Province of New-York. He arrived in this country, accompanied by his wife, on the 1st of November,

of you, the said Sir EDMUND ANDROS, out of our especial grace, certain knowledge and mere motion, have thought fit to constitute and appoint, and by these presents do constitute and appoint you, the said Sir Edmund Andros, to be our Captain General and Governor-in-chief, in and over all that our Territory and dominion of New-England in America, comonly called or known by the name of our Colony of the Massachusetts Bay, our colony of New-Plymouth, and our provinces of New-Hampshire and Maine, the Narragansett Country, otherwise called the King's Province, with all the islands, rights and members to the said colonies and territories in any wise appertaining; and, for your better guidance and direction, WEE do hereby require and command you to do and execute all things in due manner that shall belong unto the said office, and the trust Wee have reposed in you, according to the several powers, instructions and authorities mentioned in these presents, or such further powers, instructions and authorities as you shall herewith receive, or which shall at any time hereafter be granted or appointed you under our Signet and Sign manual, or by our order, in our Privy Council, and according to such reasonable laws and statutes as are now in force, or such others as shall hereafter be made and established within that our territory and dominion aforesaid; and our will and pleasure is, that you, the said Sir Edmund Andros, having (after your arrival in New-England, and publication of these our Letters Patents), first taken the oath of allegiance, together with the oath of duly executing the office of our Captain-General and Governor-in-chief of our said

1674, and entered on the government on the 10th of that month. In 1677 he returned to England, and was knighted by Charles the Second in 1678; on the 27th of May, the same year, he sailed again for New-York, in the ship "Blossom," Richard Martin, of New-England, master; and resumed the government of New-York. In 1686, James II. appointed him Governor, Captain-General, and Vice-Admiral of Massachusetts, New-Hampshire, Maine, New-Plymouth, and afterwards of Rhode Island and Connecticut, comprehending the whole of New England,—to which, in 1688, New-York and New-Jersey were added. On the 22d of January, 1689, his wife died at Boston, and was buried by torchlight; the corpse having been carried from the Governor's residence to the South Church in a hearse drawn by six horses, attended by a suitable Guard of Honor. Sir Edmund was eminently unpopular in the administration of his government, and was deposed by a sudden uprising of the people in Boston, on the 18th April, 1689. Notwithstanding, he retained the royal favor; in 1692 was appointed by William III. Governor of Virginia, to which was adjoined that of Maryland. He founded William and Mary's College, 1692. He encouraged the cultivation of cotton, sorted and regulated the public papers and records in the Secretary's office, and was popular in his office till 1698. In 1704, under Queen Anne, he was appointed Governor of Guernsey. Sir Edmund married three times, but died without issue, in the parish of St. Anne, Westminster, in February, 1714, in his seventy-sixth year. [N. Y. Col. MSS., vol. ii., pp. 740–42.]

territory and dominion, (which our Council there, or any three of them, are hereby required, authorized and impowered to give and administer unto you), you shall administer to each of the members of our Council, as well the oath of allegiance as the oath for the due execution of their places and trust. And Wee do hereby give and grant unto you full power and authority to suspend any member of our Council from sitting, voting and assisting therein, as you shall find just cause for so doing; and if it shall hereafter at any time happen, that by the death, departure out of our said territory, or suspension of any of our councillors, or that otherwise there shall be a vacancy in our said Council, (any five whereof we do hereby appoint to be a quorum), our will and pleasure is, that you signify the same unto us by the first opportunity, that Wee may, under our Signet and Sign manual, constitute and appoint others in their room. But that our affairs at that distance may not suffer for want of a due number of councillors, if ever it shall happen that there are less than seven of them residing upon the place, Wee do hereby give and grant unto you full power and authority to choose as many persons out of the principal inhabitants thereof as will make up the full number of our Council to be seven, and no more; which persons, by virtue of such choice, shall be, to all intents and purposes, our councillors within our said territory, until they be confirmed by us, or that by nomination of others by us, under our sign manual and signet, the said Council shall have seven persons in it.

And Wee do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, or the major part of them, to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of our said territory and dominion, and of the people and inhabitants thereof, and such others as shall resort thereunto, and for the benefit of us, our heirs and successors, which said laws, statutes and ordinances are to be, as near as conveniently may be, agreeable to the laws and statutes of this our kingdom of England.

Provided, That all such laws, statutes and ordinances, of what nature or duration soever, be, within three months or sooner, after the making of the same, transmitted unto us, under our seal of New-England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance. And Wee do by these presents give and grant unto you full power and authority, by and with the advice and consent of our said Council, or the major part of them, to impose and assess and raise and levy such rates and

taxes as you shall find necessary for the support of the government within our territory and dominion of New-England; to be collected and levied, and to be employed for the uses aforesaid, in such manner as to you and our said Council, or the major part of them, shall seem most equal and reasonable. And for the better supporting the charge of the government of our said territory and dominion, our will and pleasure is, and Wee do by these presents authorize and require you, the said Sir Edmund Andros, and our said Council, to continue such taxes and impositions as are now laid and imposed upon the inhabitants thereof, and to levy and distribute or cause the same to be levied and distributed to those ends in the best and most equal manner, until you shall, by and with the advice and consent of our Council, agree on and settle such other taxes as shall be sufficient for the support of our government there, which are to be applied to that use and no other.

And our further will and pleasure is, that all public money, raised, or to be raised or appointed, for the support of the government within our said territory and dominion be issued out by warrant or order from you, by and with the advice and consent of our Council as aforesaid; and our will and pleasure is, that you shall and may keep and use our seal, appointed or to be appointed by us for said territory and dominion. And Wee do further give and grant unto you, the said Sir Edmund Andros, full power and authority from time to time, and at any time hereafter, by yourself or by any other to be authorized by you in that behalf, to administer and give the oath of allegiance, now established within this our realm of England, to all and every such person as you shall think fit, or shall at any time or times pass unto our said territory, or shall be resident or abiding there. And Wee do by these presents ordain, constitute and appoint our Governor and Council of our said territory and dominion for the time being, to be a constant and settled Court of Record, for the administration of justice to all our subjects, inhabiting within our said territority and dominions, in all causes as well civil as criminal, with full power and authority to hold Pleas in all cases from time to time as well in Pleas of the Crown, and in all matters relating to the conservation of the peace and punishment of offenders, as in civil causes or actions between party and party, or between us and any of our subjects there, whether the same do concern the realty and relate to any rights of freehold and inheritance, or whether the same do concern the personalty, and relate to matter of debt, contract, damage, or other personal injury; and also in all mixed actions which may concern both realty and personalty; and

therein, after due and orderly proceeding and deliberate hearing of both sides, to give judgment and to award execution as well in criminal as in civil cases as aforesaid, so always that the forms of proceedings in such cases, and the judgment thereupon to be given, be as consonant and agreeable to the laws and statutes of this our realm of England as the present state and condition of our subjects, inhabiting within our said territory and dominion, and the circumstances of the place, will admit.

And Wee do further hereby give and grant unto you full power and authority, with the advice and consent of our said Council, to erect, constitute and establish such and so many Courts of Judicature and Public Justice within our said territory and dominion, as you and they shall think fit and necessary for the determining of all causes, as well criminal as civil, according to law and equity, and for awarding of execution thereupon, with all reasonable and necessary powers, authorities, fees, and privileges belonging unto them, as also to appoint and commissionate fit persons in the several parts of our said territory to administer the oath of allegiance unto such as shall be obliged to take the same.

And Wee do hereby grant unto you full power and authority to constitute and appoint Judges, and, in cases requisite, Commissioners of oyer and terminer, Justices of the peace, Sheriffs, and all other necessary officers and ministers within our said territory, for the better administration of justice and putting the laws in execution, and to administer such oath and oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial cases; and our further will and pleasure is, and Wee do hereby declare, that all actings and proceedings at law or equity, heretofore had or done, or now depending within any of the Courts of our said territory, and all executions thereupon, be hereby confirmed and continued, so far forth as not to be avoided for want or defect of any legal power in the said Courts, but that all and every such judicial actings, proceedings and executions, shall be of the same force, effect and virtue as if such Courts had acted by a just and legal authority. And Wee do further, by these presents, will and require you to permit appeals to be made in cases of error from our Courts in our said territory and dominion of New-England, unto our Governor and Council in civil causes. *Provided*, the value appealed for do exceed the sum of one hundred pounds sterling; and that security be first duly given by the appellant to answer such charges as shall be awarded, in case the first sentence shall be affirmed.

And whereas, Wee judge it necessary that all our subjects may have liberty to appeal to our royal person, in cases that may require the same, our will and pleasure is, that if either party shall not rest satisfied with the judgment or sentence of our Governor and Council, they may then appeal unto us in our Privy Council: *Provided,* the matter in difference exceed the real value and sum of three hundred pounds sterling, and that such appeal be made within one fortnight after sentence, and that security be likewise duly given by the appellant to answer such charges as shall be awarded in case the sentence of the governor and council be confirmed; and *Provided* also that execution be not suspended by reason of any such appeals unto us.

And Wee do hereby give and grant unto you full power where you shall see cause, and shall judge any offender or offenders in capital and criminal matters, or for any fines or forfeitures due unto us, fit subjects of our mercy, to pardon all such offenders and to remit such fines and forfeitures, (treason and wilful murder only excepted), in which cases you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until, and to the intent our pleasure may be further known; and Wee do hereby give and grant unto you, the said Sir Edmund Andros, by yourself, your captains and commanders, by you to be authorized, full power and authority to levy, arm, muster, command or employ all persons whatever residing within our said territory and dominion of New-England, and, as occasion shall serve, them to transfer from one place to another for the resisting and withstanding of all enemies, pirates and rebels, both at land and sea, and to transfer such forces to any of our Plantations in America as occasion shall require for the defence of the same against the invasion or attempt of any of our enemies: And them, if occasion shall require, to pursue and prosecute in or out of the limits of our said territory and plantations, or any of them; and, (if it shall so please God) them to vanquish, and, being taken, either according to the law of arms, to put to death, or keep and preserve alive, at your discretion; as also to execute martial law in time of invasion, insurrection or war, and during the continuance of the same, and upon soldiers in pay, and to do and execute all and every other thing which to a Captain-General doth or ought of right to belong, as fully and amply as any our Captain-General doth or hath usually done. And Wee do hereby give and grant unto you full power and authority to erect, raise and build within our territory and dominion aforesaid, such and so many forts, platforms, castles, cities, boroughs, towns and fortifications as you

shall judge necessary, and the same or any of them to fortify and furnish with ordnance, ammunition, and all sorts of arms, fit and necessary for the security and defence of our said territory, and the same again or all of them to demolish or dismantle, as may be most convenient. And we do hereby give and grant unto you, the said Sir Edmund Andros, full power and authority to erect one or more Court or Courts Admiral within our said territory and dominion, for the hearing and determining of all marine and other causes and matters proper therein to be heard and determined, with all reasonable and necessary powers, authorities, fees and privileges; and you are to execute all powers belonging to the place and office of Vice-Admiral of and in all the seas and coasts about your government, according to such commission, authority and instructions as you shall receive from ourself, under the seal of our Admiralty, or from our High Admiral of our foreign plantations for the time being.

And forasmuch as divers mutinies and disorders do happen by persons shipped and employed at sea, and to the end that such as shall be shipped or employed at sea may be the better governed and ordered, Wee do hereby give and grant unto you, the said Sir Edmund Andros, our Captain-General and Governor-in-chief, full power and authority to constitute and appoint captains, masters of ships and other commanders, and to grant unto such captains, masters of ships, and other commanders, Commissions to execute the law martial, and use such proceedings, authorities, punishments, correction and execution upon any offender or offenders which shall be mutinous, seditious, disorderly, or any way unruly, either at sea, or during the time of their abode or residence in any of the ports, harbors or bays of our said territory and dominion, as the cause shall be found to require according to martial law.

Provided, that nothing herein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have jurisdiction of any offence, cause, matter, or thing committed or done upon the sea, or within any of the havens, rivers or creeks of our said territory and dominion under your government, by any captain, commander, lieutenant, master, or other officer, seaman, soldier, or person whatsoever, who shall be in actual service and pay, in and on board any of our ships of war, or other vessels acting by immediate commission or warrant from ourself, under the seal of our Admiralty, or from our High Admiral of England for the time being; but that such captain, commander, lieutenant, master, officer, seaman, soldier, and other persons so offending, shall be left to be proceeded against and tried as the merit of their

offences shall require, either by commission under our Great Seal of England, as the statute of the twenty-eighth of Henry the Eighth directs, or by commission from our said High Admiral, according to the act of Parliament, passed in the thirteenth year of the reign of the late king, our most dear and most entirely beloved brother, of ever blessed memory, entitled, ("An act for the establishing articles and orders for the regulating and better government of his Majesty's navies, ships of war, and forces by sea"), and not otherwise; saving only that it shall and may be lawful for you, upon any such captain or commander refusing or neglecting to execute, or upon his negligence or undue execution of any of the within orders he shall receive from you for our service, and the service of said territory and dominion, to suspend him, the said captain or commander, from the exercise of his said office of commander, and commit him into safe custody, either on board his own ship, or elsewhere, at the discretion of you, in order to his being brought to answer for the same by commission, either under our Great Seal of England, or from our said High Admiral, as is before expressed. In which case our will and pleasure is that the captain or commander so by you suspended, shall, during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by ourself or our High Admiral of England for the time being, as, by the known practice and discipline of our navy, doth and ought next to succeed him, as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships, and not otherwise; you standing also accountable unto us for the truth and importance of the crimes and misdemeanors for which you shall so proceed to the suspending of such, our said captain or commander.

Provided, also, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, or other officer, seaman, soldier, or person whatsoever, belonging to any of our ships of war or other vessels acting by immediate commission or warrant from ourself, under the seal of our Admiralty, or from our High Admiral of England for the time being, may be tried and punished according to the laws of the place where any such disorders, offences and misdemeanors shall be so committed on shore, notwithstanding such offender be in our actual service, and born in our pay on board any such our ships of war, or other vessels acting by immediate commission or warrant from ourself, or our High Admiral as aforesaid, so as he shall not receive any protection (for the avoiding of justice for such offences committed

on shore) from any pretence of his being employed in our service at sea. *And Wee* do likewise give and grant unto you full power and authority, by and with the advice and consent of our said Council, to agree with the planters and inhabitants of our said territory and dominion, concerning such lands, tenements and hereditaments, as now are or hereafter shall be in our power to dispose of, and them to grant unto any person or persons for such terms, and under such moderate quit-rents, services and acknowledgements to be thereupon reserved unto us, as shall be appointed by us, which said grants are to pass and to be sealed by our Seal of New-England, and (being entered upon record by such officer and officers as you shall appoint thereunto) shall be good and effectual in law against us, our heirs and successors. And Wee give you full power and authority to appoint so many fairs, marts and markets, as you, with the advice of our said Council, shall think fit; as likewise to order and appoint within our said territory such and so many ports, harbors, bays, havens, and other places for the convenience and security of shipping, and for the better loading and unloading of goods and merchandise, as by you, with the advice and consent of our Council, shall be thought fit and necessary; and in them or any of them to erect, nominate and appoint custom-houses, warehouses, and officers relating thereunto, and them to alter, change, place or displace from time to time, as with the advice aforesaid shall be thought fit. *And*, above all things, Wee do by these presents will, require and command you to take all possible care for the discountenance of vice and encouragement of virtue and good living, that by such examples the infidels may be invited and desire to partake of the Christian Religion. And for the greater ease and satisfaction of our loving subjects in matters of religion, Wee do hereby will, require and command, that liberty of conscience be allowed to all persons, and that such especially as shall be conformable to the rites of the Church of England be particularly countenanced and encouraged.

And, forasmuch as pursuant to the laws and customs of our colony of the Massachusetts Bay, and of our other colonies and provinces afore mentioned, divers marriages have been made and performed by the magistrates of our said territory, our Royal Will and pleasure is hereby to confirm all the said marriages, and to direct that they be held good and valid in the same manner, and to all intents and purposes whatsoever, as if they had been made and contracted according to the laws established within our kingdom of England. And Wee do hereby require and command all

officers and ministers, civil and military, and all other inhabitants of our said territory and dominion, to be obedient, aiding and assisting unto you, the said Sir Edmund Andros, in the execution of this, our commission, and of the powers and authorities therein mentioned; and upon your death, or absence out of said territory, unto the Commander-in-chief, to whom Wee do therefore by these presents give and grant all and singular, the powers and authorities aforesaid, to be exercised and enjoyed by him during our pleasure, or until your arrival within our said territory and dominion. And if in case of such death or absence there be no person on the place appointed by us to be Commander-in-chief, our will and pleasure is that the then present Council of our said territory aforesaid do take upon them the administration of the government, and execute this commission and the several powers and authorities herein contained, and that the first councillor who shall be, at the time of your death or absence, residing within the same, do preside in our said Council, with such powers and pre-eminences as any former President hath used and enjoyed within our said territory, or any other of our plantations in America, until our pleasure be further known, or your arrival as aforesaid.

And lastly, our will and pleasure is that our Commission, bearing date the seven and twentieth day of September, in the first year of our reign, constituting our trusty and well-beloved Joseph Dudley, Simon Bradstreet, William Stoughton, Esqrs, and others, to be our President and Council of our territory and dominion of New-England, do, from the publication of these presents, cease and become void. And that you, the said Sir Edmund Andros, shall and may hold and execute and enjoy the office and place of our Captain-General and Governor-in-chief in and over our territory and dominion aforesaid, with all its rights, transfers and appurtenances whatsoever, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure.* In witness, &c.

Passed in May, 1686.

In witness whereof we have caused these our Letters to be made Patents.

Witness ourself, at Westminster, the third day of June, in the second year of our reign.

Per bre de Privato Sigillo. BARKER.

* Respecting the administration of Andros in New-Hampshire, Belknap says (Farm. Belk., pp. 119-120): "By this commission, the Governor, with his Council, five of whom were a quorum, were empowered to make such laws, impose such taxes, and apply them to such purposes, as they should think proper. They were also empowered

Documents relating to Governor Andros's Administration.

[From Mass. Hist. Coll., vol. vii. 3d series, pp. 164–174.]

Confirmation of Colonial Officers.

By His Excellency, the Governor in Council.

These are to declare and publish, that all officers civil and military, and the officers of his Majesty's Revenues together with all duties and imposts as now settled in this town of Boston, and other parts of this Government, are continued till further order, and all persons are required to conform thereunto accordingly.

E. RANDOLPH, *Secretary.*

COUNCIL HOUSE, Dec. 20, 1686.

[Mass. Hist. Coll., vol. vii. 3d series, p. 164.]

Order for the first Colonial Meeting under Sir Edmund Andros.

Sir,—

His Excellency Sir Edmund Andros, Knight, Captain General and Governor in Chief, arrived here yesterday, at which time his Majesty's commission, bearing date the third of June last, was published, his Excellency has appointed a General Council, to be

to grant lands on such terms, and subject to such quit-rents, as should be appointed by the king. Invested with such powers, these men were capable of the most extravagant actions. Thereupon Andros, like his master, began his administration with the fairest professions, yet, like him, he soon violated them, and proved himself a fit instrument for accomplishing the most execrable designs.

"To particularize the many instances of tyranny and oppression which the country suffered from these men is not within the design of this work; let it suffice to observe, that the press was restrained, liberty of conscience infringed, exhorbitant fees and taxes demanded, without the voice or consent of the people, who had no privilege of representation. The charter [of Massachusetts] being vacated, it was pretended that all titles to land were annulled; and as to Indian deeds, Andros declared them no better than '*the scratch of a bear's paw.*' Landholders were obliged to take out patents for their estates, which they had possessed forty or fifty years. For these patents extravagant fees were exacted; and those who would not submit to this imposition had writs of intrusion brought against them, and their land was patented to others. To hinder the people from consulting about the redress of their grievances, town meetings were prohibited, except one in the month of May for the choice of town officers; and, to prevent complaints being carried to England, no person was permitted to go out of the country without express leave from the Governor. But, notwithstanding all the vigilance of the Governor, his emissaries and his guards, the resolute and indefatigable INCREASE MATHER, minister of the Second Church in Boston and President of the College, got on board a ship and sailed for England, with complaints in the name of the people against the Governor, which he delivered with his own hand to the King; but, finding no hope of redress, he waited the event of the Revolution, which was then expected."

holden here on Thursday the 30th of this instant, December, and directed me to acquaint all the members thereof, that they may be present accordingly. His Excellency presents his humble services to you, and would be glad to see you at Boston.

I am, Sir,

Your humble servant,

EDWARD RANDOLPH.

[Mass. Hist. Coll., vol. vii. 3d series, p. 166.]

The first Meeting of the Council under Andros.

At a Council held in Boston, New England, on Thursday, December 30, 1686, present—

His Excellency, Sir EDMUND ANDROS, Knight Governor:

JOSEPH DUDLEY,	RICHARD WHARTON,
THOMAS HINCKLEY,	EDWARD TYNG,
WAIT WINTHROP,	JONATHAN TYNG,
JNO. USHER,	WILLIAM BRADFORD,
BARNABY LOTHROP,	DANIEL SMITH,
JOHN WALLEY,	NATHANIEL CLARK,
JOHN COGGESHALL,	WALTER NEWBURY,
RICHARD ARNOLD,	JOHN ALBOROUGH,
WILLIAM STOUGHTON,	EDWARD RANDOLPH, *Sect.*

Upon opening of the Council, his Excellency commanded the members to be called over by their names, and take their places, as set down in certain articles of instruction from his Majesty, to his Excellency the Governor.

The members of the Council being accordingly seated, his Majesty's commission for government of this his Territory and Dominion of New-England, was read, and also, the instructions under his Majesty's sign Manual empowering his Excellency to revise the Charter of Rhode Island and Providence Plantation, was likewise read.

His Excellency proceeded to administer the oath of allegiance, and the oath, also, for the due administration of justice, and commanded such persons of the Council, as had not already taken these oaths, to stand up and answer to their names, viz. Thomas Hinckley, Walter Clark, Barnaby Lathrop, William Bradford, Daniel Smith, Jno. Walley, Nathaniel Clark, John Coggeshall, Walter Newbury, Richard Arnold and John Alborough, who (all of them) Walter Clark and Walter Newbury excepted, did take the oath, and showed assent thereto, by holding up their right hands.

Walter Clark and Walter Newbury, gave also their express consent to the oath of allegiance, and the oath for the administration of justice in the Government, according as directed in his Majesty's late commission to the President and Council, professing themselves obliged in all good conscience before God so to do, and that, under the utmost penalties of perjury in all respects, the

members of the Council, being severally asked their opinion, did allow of their protestation. His Excellency in a short discourse, encouraged the members to freedom in debates.

Walter Clark and Walter Newbury, acknowledge the surrender of the Charter made to his Majesty at Windsor, but fearing that surrender was not effectual for avoiding all mistakes, they had presented another humble address to his Majesty under the public Seal of this Colony, and had sent over agents to pray his Majesty's favor towards them, and W. Clark further added, the Charter of Rhode Island was in his custody at Newport. It was moved that a Proclamation should be made through all the Colonies and Provinces of this Government, that all officers both Civil and Military, should be continued in their places of trust, that the laws not repugnant to the laws of England in the several Colonies, should be, and observed during his Excellency's pleasure.

Ordered, that the proclamation be drawn up and presented to his Excellency in Council to-morrow by nine of the clock in the morning.

On Friday, John Fitz Winthrop and John Jenks took their seats, as members of the preceding Council.

[Mass. Hist. Coll., vol. vii. 3d series, p. 161.]

*Commission to Edward Randolph.**

JAMES REX.

James the Second by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, and to all to whom these presents shall come, greeting. Whereas we have thought fit to appoint a President and Council, until we shall send over a Governor-in-Chief to take care of all our Territory and Dominion in New-England, commonly called or known by the names of the Colony of the Massachusetts Bay, the Provinces of New-Hampshire and Maine, and the Narraganset Country, otherwise called the King's Province, with all the islands, rights and members thereunto belonging, Know ye, that we reposing especial trust and confidence in the loyalty and abilities of our trusty and well-beloved Edward Randolph, Esq, have given and granted, and, by these presents, do give and grant unto him the said Edward Randolph, the several and respective places and offices of Secretary and sole Register of our Governor and Council, and of our government there, for the time being, of and in our Territories and Dominion aforesaid, and him, the said Edward Randolph, Secretary and Register of our said Territory and Dominion, we do, by these presents, make, ordain, and constitute, to have, hold, exercise and enjoy the said places and offices, or to him, the said Edward Randolph, by himself or his deputy or deputies during

* Edward Randolph, whose commission is here given, was, like Andros, a man of an arbitrary and tyrannical spirit. His agency in behalf of Robert Mason, in New-Hampshire, is given in Prov. Pap., vol. i. p. 339. His office and character rendered him peculiarly odious to the people of this Province.

our pleasure, together with all fees, rights, privileges, profits, perquisites and advantages, to the said places and offices, or either of them, belonging or in any wise appertaining in as full and ample manner to all intents and purposes, as the Secretary and Register of our Island of Jamaica, or of any other of our Plantations in America have had or do now receive and enjoy. And hereof all persons, whom it may concern, are to take due notice, and yield obedience thereunto accordingly.

Given at our Court at Windsor, the 21st day of September, 1685, in the first year of our reign.*

[Mass. Hist. Coll., vol. vii. 3d series, p. 154.]

Letter from Edward Randolph to the Lord Treasurer.

BOSTON, IN NEW-ENGLAND,
August 23, 1686.

May it please your Lordship.

By the blessing of God and your Lordship's favour, I have performed his Majesty's commands, and brought this people to a nearer dependence upon the Crown. I have likewise served 2 writs of *Quo Warranto*, upon the other 2 Colonies of Connecticut and Rhode Island, who are preparing to make their humble submission to his Majesty. But unless his Majesty please, in a very short time, to send us over a General Governor from England, all that is already done, will be of little advantage to his Majesty's interest. The independent faction still prevails, and persons of dangerous principles from England, Ireland and other places are here received and highly encouraged. They have put Captain Blackwell Oliver, treasurer in London, son-in-law to Lambert, excepted in the Act of Indemnity, and a violent Commonwealth's man, to be of the commission of the peace, and a man consulted with in all public affairs. The independent ministers and others, make every ill use of his Majesty's indulgence and liberty of conscience, some of them have spoken treasonable words in their pulpits, of which (to no purpose) I have complained to the President and Council, so that I am humbly of opinion, that liberty of conscience will much obstruct the settlement of this place, unless duly regulated by the authority of a prudent Governor sent hither. Your Lordship may please to remember, that this commission was but temporary, and served only to unhinge the Commonwealth, which, for many years, was usurped and managed by a faction. All the members of the present Council, Mr. Mason and myself excepted, are either church members, or strong abettors of that party, and even Mr. Dudly, our President was not long since a zealous preacher amongst us, and though, while in London, he pretended to be of the Church of England, yet, since he is made President,

* Though this commission is dated before the suspension of our Charter government, yet it was prepared for the "Usurpation Administration," and, therefore, is located with its documents.

courts and keeps private cabals with these factious ministers and others, who, in the time of Monmouth's Rebellion, refused to pray for his Majesty. His Majesty hath been graciously pleased to make me Secretary of his Council here, but the accounts of the late Treasurer and whatever relates to the discovery of his Majesty's Revenue, is kept from my knowledge. The public records, and all the grants and settlement of lands in this country, which ought to be lodged in my office, are otherwise disposed of, not being willing to intrust them with me, who have been, and (as they say) am still the grand enemy of their country. Mr. Wharton, a member of the Council, did openly declare, that his Majesty in appointing me his Secretary and Register, intended to inthrall this people in vassalage. I have proposed the raising a revenue, yet cannot be heard in Council.

I have likewise pressed the making of strict orders to prevent the irregular trade of this place, but some of the Council are traders, and others by marriage or otherwise so nearly related, that without a General Governor interlopers will be countenanced, notwithstanding all my endeavor to the contrary: there have been five or six ships seized and condemned, which inflames the people's malice against me. And the President, who by his office and duty is obliged to assist me, has openly refused, to his Majesty's great disservice. I question not but by his Majesty's uniting the several Colonies under one Government, to raise his Majesty a considerable revenue by quit rents towards the support of the Government, which will yearly increase. Of this the President, Mr. Wharton and several others, who have engrossed great tracts of land are sensible, and are, therefore, unwilling to admit me to discover their Estates.

It was by your Lordship's favour, that his Majesty, in consideration of my past services, was pleased to grant me the office of Register and Secretary of this Government, a place in his Majesty's other plantations of considerable advantage; but they have taken so great prejudice against me, that they have disposed of the perquisites of that office to persons of their own stamp, so that for all my trouble and attending the Council here, I am not likely to make £20 a year. My earnest expectation of a General Governor, supports me under all these difficulties and disappointments, and though they treat me so rudely, yet I shall continue to assert his Majesty's interest in the station I am placed in, and ever remain, Right Honorable,

Your Lordship's most humble
and most obedient servant.
ED. RANDOLPH.

To the Right Honourable the Lord Treasurer.

[From Mass. Hist. Coll., vol. vii. 3d series, p. 160.]

Order that the Jurisdiction of Pemaquid be in the hands of Sir Edmund Andros.

JAMES R. Trusty and well beloved. We greet you well. Whereas we have thought fit to direct, that our Fort and Country of Pemaquid, in regard of its distance from New-York, be for the future annexed to and continued under the Government of our Territory and Dominion of New-England. Our will and pleasure is that you forthwith deliver or cause to be delivered, our said Fort and Country of Pemaquid with the great guns, ammunition and stores of war, together with all other utensils and appurtenances belonging to the said Fort, into the hand of our trusty and well beloved Sir Edmund Andros, Knight, our Captain-General and Governor-in-Chief of our Territory and Dominion of New-England, or to the Governor or Commander-in-Chief there, for the time being, or to such person or persons, as they shall impower to receive the same, and for so doing, this shall be your warrant. Given at our Court at Windsor, this 19th day of September, 1686, in the second year of our reign. By his Majesty's command.

SUNDERLAND P.

Col. Dongan to deliver Pemaquid Fort to Sir Edmund Andros.

Laws enacted by Governor Andros and his Council.

["The Laws of the Territory of New-England," which were passed by Andros and his Council, and which were in force in the Province of New-Hampshire, are published at length in the "Colonial Records of Connecticut," vol. iii., 1678–1689. It is not deemed advisable to publish them here. The following are the titles of said Laws.]—ED.

1. An Act for the continuing and establishing of several Rates, Duties, and Imposts.

2. An Act establishing Courts of Judicature and Publique Justice.

3. An Act impowering Justices of the Peace to decide differences not exceeding forty shillings.

4. An Act against Pirates, and for the prevention of Piracy.

5. An Act settling the value of Pieces of Eight.

6. An Act for regulating the Assize of Cask, and preventing deceit in packing of Fish, Beef, and Pork, for sale.

7. An Act for the regulation of Cattle, Corn Fields, and Fences.

8. An Act for the regulation of Weights and Measures.

9. An Act for the destroying of Wolves.

10. An Act regulating the Purchase of Lands from Indians.

11. An Act for the Probate of Wills, and granting Letters of Administration.

12. An Act for regulating the Fishing-trade and Fishermen, and one other Act entitled

13. An Act for making of Barrels, Kilderkins, and other vessells used for Ale or Beer and Syder, and for regulating the Assize of Boards.

14. An Act for regulating the choice of Selectmen, Constables, and other Officers in the respective Towns within his Dominion.

15. An Act for settling the Militia.

16. An Act for additional Duties of Imports and Excise, for the better collecting and securing his Majesty's Revenue.

17. An Act concerning Peddlers.

NOTE (1).—By "the Act for establishing Courts of Judicature and Publique Justice," a *Court of Sessions* was established, to be held "at *Portsmouth*, for the Province of New-Hampshire, on the first Tuesday in June, September, December, and March.

Also, a *Superior Court of Judicature*, to be held "at Ipswich the first Wednesday in September and March; for the Province of New-Hampshire and the western parts of the Province of Maine, including the town of Wells, at [*Portsmouth*], the Monday following each of the courts at Ipswich; for the eastern parts of the Province of Maine, at *Falmouth*, the Friday following the September court at Portsmouth."

NOTE (2).—By the Act for regulating of the Purchase of Lands from the Indians: "Henceforth no person or persons whatsoever do presume to tamper or trade with any Indian or Indians about the purchase, sale or confirmation of any land or lands whatsoever within this his Majesty's Territory and Dominion of New-England, nor from any of them take, or receive any deed of sale, gift, mortgage, conveyance, lease, contract or confirmation whatsoever, without leave or license first had and obtained from the Governor for the time being, under his hand and seal, on penalty of the forfeiture of twenty pounds for every acre of land" that shall be so obtained.

NOTE (3).—In the Act for regulating the choice of Selectmen, &c., "the third Monday in May yearly" was appointed "for the inhabitants in each town within this Dominion to meet and convene together, by the major vote,

there to choose and nominate any even number of fit persons inhabiting within their respective towns, not exceeding eight, to be selectmen, townsmen or overseers for the several towns respectively." One half of said number to be new persons, the other half those that served the previous year. "*And it is further enacted,* That from henceforth it shall not be lawful for the inhabitants of any town within this Dominion, to meet or convene themselves together at a town meeting, upon any pretence or color whatever, but at the times aforementioned and appointed."

NOTE (4). — In the Act for additional duties of Imports and Excise, "Boston, Salem, *Portsmouth,* Bristol, Newport, New London, Saybrook, New Haven, Milford, Fairfield and Stamford" were made ports of entry. — ED.

[Mass. Hist. Coll., vol. vii. 3d series, p. 170.]

A Specimen of Licenses for Marriage.

Know all men by these presents, that we, Nathaniel Peck of Boston, and William Coggeshall of the same Town, in his Majesty's Territory and Dominion of New-England, are firmly bound unto Edward Randolph, Esq., Secretary of his Majesty's Territory and Dominion in the sum of fifty pounds, current money of New-England, to which payment well and truly to be made, we bind ourselves jointly and severally, our heirs, executors, administrators and assigns, firmly by these presents. Witness our hands and seals, this 11th day of January 1686–7, in the second year of his Majesty's reign.

The condition of the above obligation is such, that if the above bound Nathaniel Peck and William Coggeshall, shall sufficiently keep and save harmless, the aforesaid Edward Randolph, Esq., from all troubles which may or shall any way so arise by the said Edward Randolph's granting a license to the aforesaid Nathaniel Peck, to be joined in matrimony, that then this obligation to be made void, otherwise to remain in full force and virtue.

NATHANIEL PECK.
WILLIAM COGGESHALL.

Signed, sealed and delivered, in the presence of us,

JOHN CLARK,
her
MARY × PECK.
mark

[Mass. Hist. Coll., vol. vii. 3d series, p. 171.]

Extract relative to a Tax, which, on account of the mode of its being assessed, produced great excitement.

"That a single country rate of one penny in the pound, be served and collected in all the late Colonies and Provinces, towards defraying the public charges of this Government, according to former usage."

Jan. 13, 1686–7.

[Mass. Hist. Coll., vol. vii. 3d series, p. 171.]

License for the Press, according to previous Colonial Custom.

Jan. 28, 1686–7.

Ordered, that copies of books, &c., to be printed, be first perused by Mr. Dudley, late President, and upon his allowance of them for the press, that one copy thereof so allowed and attested by him, be brought to the Secretary's office, to be left on record, and receive from him an imprimature.

[Mass. Hist. Coll., vol. vii. 3d series, p. 173.]

Fees for the Custom House.

Vessels inward bound.

Every vessel exceeding 40 Tons	£0.3 06
If above 40 Tons	5.00
For a permit of license to unload	1.00
For an oath upon a Majesty's entry and clearing	0.06

Vessels outward bound.

Every vessel's entry to load	1.00
Every vessel's clearing not exceeding 40 Tons	3.06
If above 40 Tons for clearing	5.00
For a bond for his Majesty's use	5.00
For a certificate when the bond is given	5.00
For a certificate to take up a bond	5.00
For registering and discharging a bond	0.06
For registering a certificate	0.06

For coasting vessels and wood boats.

Outwards.—To entering bond once a year not to carry European or plantation commodities without entry	5.00
For entry of every coasting vessel loading European commodities, or of the plantations	1.06
For a license to deliver their loadings	1.06

For all coasting vessels, trading to and from the neighboring Colonies £0.2.06
For a bond for coasting vessels carrying any of the enumerated commodities out of this Government . . 1.00

ED. RANDOLPH, *Collector.*

Account of the Revolution in Boston, and the overthrow of Sir Edmund Andros's Government of New England. *

[Col. Rec. of R. I., vol. iii. pp. 254–55.]

"About nine o'clock of the morning of the 18th of April, just as George, the commander of the 'Rose' frigate, stepped on shore, Green and the Boston ship-carpenters gathered about him and made him a prisoner. The town took the alarm. The royalist sheriff hastened to quiet the multitude, and the multitude secured him as their prisoner. From him they hastened to the major of the regiment, and demanded colors and drums. He resisted; they threatened. The crowd increased; companies formed under Nelson, Foster, Waterhouse, their old officers; and already, at ten, they seize Bullivant, Foxcroft, and Ravenscraft. Boys ran along the streets with clubs; the drums beat; the Governor, with his creatures, resisted in council, withdrew to the Fort to desire a conference with the ministers and two or three more. The conference was declined. All the companies soon rallied at the town-house. Just then, the last Governor of the Colony, in office when the Charter was abrogated, Simon Bradstreet,—glorious with the dignity of fourscore years and seven, one of the early immigrants, a magistrate in 1630, whose experience connected the oldest generation with the new,—drew near the town-house, and was received by a great shout from the freemen. The old magistrates were re-instated, as a Council of Safety; the whole town rose in arms, 'with the most unanimous resolution that ever inspired a people,' and a Declaration, read from the balcony, defended the insurrection as a duty to God and the country. 'We commit our enterprise,' it was added, 'to Him who hears the cry of the oppressed, and advise all our neighbors, for whom we have thus ventured ourselves, to joyn with us in prayers and all just actions for the defence of the land.'

"On Charlestown side, a thousand soldiers crowded together; and the multitude would have been larger, if needed. The Gover-

* Bancroft's Hist. of U. S.

nor, vainly attempting to escape to the frigate, was, with his creatures, compelled to seek protection by submission: through the streets where he had first displayed his scarlet coat and arbitrary commission, he and his fellows were marched to the town-house, and thence to prison.

"On the next day, the country came swarming across the Charlestown and Chelsea ferries, headed by Shepherd, a schoolmaster of Lynn. All the cry was against Andros and Randolph. The cattle were taken; the frigate was mastered; the fortifications occupied.

"How should a new government be instituted? Town-meetings, before news had arrived of the proclamation of William and Mary, were held throughout the Colony. Of fifty-four towns, forty certainly, probably more, voted to re-assume the old Charter. Representatives were chosen; and once more Massachusetts assembled in General Court."

[Col. Rec. R. I., vol. iii. pp. 256–57.]

Summons to Sir Edmund Andros to surrender the Government.

At the Town-House in Boston, April 18, 1689.

SIR: — Ourselves as well as many others, the inhabitants of this town and places adjacent, being surprised with the people's sudden taking to arms, in the first motion whereof we were wholly ignorant, are driven by the present exigence and necessity, to acquaint your Excellency, that for the quieting and security of the people inhabiting this country, from the imminent dangers they many ways lie open and exposed unto, and for your own safety, we judge it necessary that you forthwith surrender up and deliver the government and fortifications to be preserved, to be disposed according to order and direction for the Crown of England, which is suddenly expected may arrive, promising all security, from violence to yourself, or any three of your gentlemen and soldiers in person or estate; or else we are assured they will endeavor the taking of the fortifications by storm, if any opposition be made.

To Sir Edmund Andros, Knight.

WILLIAM HOUGHTON,	DAVID WATERHOUSE,
THOMAS DANFORTH,	ADAM WINTHROP,
SIMON BRADSTREET,	JOHN NELSON,
JOHN RICHARDS,	WAIT WINTHROP,
ELISHA COOK,	SAMUEL SHRIMPTON,
ISAAC ADDINGTON,	WILLIAM BROWN,
JOHN FOSTER,	BARTHOLOMEW GEDNEY,

PETER SERGEANT.

Names of those imprisoned with Sir Edmund Andros.

Jos. Dudley,* Judge Palmer, Mr. Randolph, Lt. Col. Lydgett, Lt. Col. Mac'gregry, Capt. George, Maj. Brockholes, Mr. Graham, Mr. West, Capt. Treffrey, Mr. Justice Bullivant, Mr. Justice Foxcroft, Capt. White, Capt. Ravencroft, Ensign Pipin, Dr. Roberts, Mr. Farwell, Mr. Jameson, Mr. Kane, Mr. Broadbent, Mr. James Sherlock, sheriff, Mr. Lakin, Capt. Manning, Lt. Jordaine, Mr. Cuttler.

Edward Randolph's Account.

MR. RANDOLPH TO THE LORDS OF TRADE.

(N. Y. Col. MSS., vol. iii. p. 578.) [*Extract.*]

"*To the Right Honble the Lords of the Committee for Trade and Foreign Plantations.*

"A short narrative of the present unsettled state of His Majesty's territory and dominion of New England and of the imminent danger of its being overrun by the French Forces in Cannada, if not timely prevented, humbly presented by Edward Randolph.

"May it please your Lordships.—About the yeare One Thousand Six Hundred Seventy Eight, it was made apparent to the Right Honorable the Lords of the Committee for Trade, by the opinion of Sr Willm Jones and Sir Francis Winington then Atturney and Solicitor Genl that the severall articles of high misdemeanour objected against the Governor and Company of the Massachusetts Bay in New England for their maleadministration, were a sufficient ground (if proved) for his Ma'ty to proceed against their Charter by law; some of which are as follows viz: Coining money without His Ma^tys permission; Tradeing contrary to the Acts of Navigation, whereby His Ma^tys revenue was greatly

* Joseph Dudley, Esq., was the predecessor of Andros in the government, and, at a subsequent period, Governor of Massachusetts and New-Hampshire.

Mass. Col. Rec., vol. vi. p. 64: "Upon the several motions of Joseph Dudley, and in consideration of his great indisposition of Body, Its ordered that he shall be forthwith removed from the Prison and confined to His own house at Roxbury, till further order, not to go out of the said House or precints of his yard, or backside adjoining, at any time, Except to the publique worship of God, on the Sabbath Day, and that under a sufficient guard to conduct him from his own house to the said meeting and back again, which is to be ordered and appointed by the Captain of the Fort Company in Roxbury; and he, the said Dudley to give Bond to the value of Ten Thousand Pounds with sufficient sureties to be, and remain a true prisoner, according to the Contents and true meaning of this order, until he shall be released by order of Law, or otherwise disposed of by Direction from the Government of the Massachusetts Colony."

impaired (as was made appeare by the petition of severall eminent Merchants of London presented to His Ma^ty in Council), Not allowing those or any other Acts of Parliment to be in force with them unless soe declared in their Gen. Assembly;—Denying appeales from their Courts to England;—Laying Customes upon the goods of His Ma^tys subjects (not foremen of the colony) tho' imported directly from England;—And for prosecuting by fines, imprisonment, whipping, banishment and putting to death, His Ma^tys subjects in matters in religion. All which were confessed by their Agents in their petition to His Ma^ty during their attendance at Court to answer the complaints of Mr. Mason and Mr. Gorge for invadeing their Provinces of New Hampshire and Maine in New England. Whereupon Sir Robert Sawyer then Atturney Genl. was ordered by the Laws of the Committee for Trade to bring a Writt of Quo Warranto against their Charter, which for these severall offences and alsoe for refusing to submitt to such a regulation in the management of their government so as all His Ma^tys subjects might finde equall justice amongst them; and upon their refusing alsoe to plead (tho' they had all favour and time allowed them to make their defence) was vacated, and a Commission granted to severall gentlemen, members of their late Council, to exercise government in that colony; of which number was Mr. Bradstreet (present pretended Governor), who refused, and the others with great difficulty accepted thereof, as appears by the printed paper No 6.

"About the yeare one thousand six hundred eighty five the French of Canada encroached upon the lands of the subjects of the Crowne of England, building forts upon the heads of their great Rivers, and extending their bounds, disturbed the inhabitants and layd a clayme to those lands which for many yeares had belonged to the English; and under pretence of a right to the sole fishery between the degrees of forty three and forty six North latitude, they seized eight New England ketches loaden with fish off the Coast of Nova Scotia, took away all their fish, treated the masters most barbarously and afterwards carryed them and most of the ketches to Rochell, where they were a long time imprisoned. The masters came afterwards from thence to New England.

"I then assisted them in their application to the Earle of Sunderland and to the Lord Preston, then Embassador in France; but his Lordship though he pressed the matter could obtaine noe redresse. Whereupon it was advised and ordered in Council that the three small Colonyes of Connecticott, New Plymouth and Rhode Island, not able to make any defence against the French, together with

the Provinces of New Hampshire and Maine, should be united and made one entire government, the better to defend themselves against invasion. And accordingly a commission was directed to Sir Edmund Andros with instructions to take them all under his care, which he accordingly accepted and they in a short time submitted thereunto.

"About August last, the time Sr Edmund Andros went to take possession of the government at New York, eleven French Indians, killed five of our Indians neere the town of Springfield, and soon after five English at the towne of Northfield upon Connecticut River; they fled to Canada, and tho' knowne by name and demanded by Sir Edmund Andros, yet Marque d'Nonville, the French Governor refused to surrender them. Soon after the Indians to the Eastward, fell upon the English townes in the Province of Maine, destroyed their corne and cattle, burnt their houses, killed some and took others of the inhabitants prisoners; having with them a French priest in their councills.

"The Governor left the forces to the Eastward on the sixteenth of March and arrived in Boston about a week after, and as soon as those soldiers had notice of the disturbance in Boston, some forsooke, others revolted, seized upon their officers, and sent them bound prisoners hither; so that all that country [Eastward] extending above fourty leagues upon the sea shore, that was secured in their fishing and saw-mills, is now deserted and left to the ravage of the barbarous heathens, who are already come down, have destroyed and burnt some forts and several dwelling houses, and kill'd some of the people, the miserable inhabitants in no way capable to preserve themselves and cattle by flight.

"The French have above four thousand good men about Canada, ready for any designe. I expect that upon the news of the Bostoners re-assuming their old government (no care being taken for the out townes and Provinces) they will joyne with the Indians, and in a short time swallow and be masters of that part of the Country (not long since granted to the French West India Company by patent from their King), and then being possessed of our best ports and harbours, be masters of all the great marts in New England and will infest the trade of other the English forraine plantations; the prevention whereof was one cheife ground of putting all those petty governments under one generall Governour.

"My Lords — Notwithstanding all the pretensions of grievances mentioned in these papers, and cryes of oppression in the Governrs proceedings, it's not the person of Sr Edmund Andros, but the government itself, they designe to have removed, that they may

freely trade; and therefore urge a necessity of his Ma^{tys} grant for a new or confirming their old Charter.

"The Ministers, who in their government were cheife in advising and directing matters of publique import, as well in electing Magistrates as in makeing laws and what else did relate to the government, and now cheife in contriving & setting on foot this generall revolt and subversion of the government: — were not consulted with" — [i.e. by Andros and his adherents.]

"Five Ministers of Boston, viz., Moode,* (1) Allen, (2) Young, Mather, (3) Willard, (4) and Milburn an Anabaptist Minister, were in the Councill Chamber on the eighteenth of April when the Govern^{r} and myselfe were brought out of the Fort before them, writeing orders, and were authors of some of their printed papers.

"My Lords — I am kept very inhumanely and the Governor worse, whose packett sent by expresse order from Whitehall and letters of both publick and private concerns of his and mine, are stop'd and open'd by Sr William Phips, who says the Govern^{r} is a rogue and shall not have his packetts nor letters, and pretends an order for so doing and keeps them from us. I humbly intreat the favour of your Lordships that I be not exposed here to the malice of those, who, for my faithfull service to the Crowne for fourteen years in this countrey, are become my enemyes; but rather, if yor Lordships please, that they may be commanded to send over me and my accusers to England, to answer what they have to charge me with.

"I have many things (relating to the well being of this countrey) of great import to His Ma^{tys} service, which, being now a close prisoner and all my papers and materiall writings kept from me, I am in no condition to transmitt to yor Lordships, but expect, with patience by your Lordships directions, for a speedy opportunity for so doing.

"All which is humbly submitted by

"EDWARD RANDOLPH.

"From the Common Goale in Boston, the 29 of May 1689."
Indorsed — "Rec^{d} from Mr. Randolph, 3^{d} July, 1689."

* (1) Rev. Joshua Moodey, formerly of Portsmouth, then of Boston.

(2) Rev. James Allen, minister of the first Congregational Church in Boston, a graduate of Oxford, in England, came to this country, 1662; died in Boston, Sept. 22, 1710, aged 78 years.

(3) Rev. Cotton Mather, of great learning and influence in his day.

(4) Rev. Samuel Willard, of the Old South Church, Boston, and President of Harvard College. He died Sept. 12, 1707, aged 68 years. — ED.

Extract from Sir Edmund Andros's Report of his Administration.

[N. Y. Col. MSS., vol. iii. p. 722.]

" *To the* Right Honble the Lords of the Committee for Trade and Plantations.

" *The State of New England under the Government of Sr Edmund Andros.*

" That in the yeare 1686, Sr Edmund Andros was by comission und^r the greate seale of England appoynted to succeed the President Dudley & Councill in the goverment of the Massachusetts Collony, the Provinces of Hampshire and Maine and the Narragansett Country, to wch was annexed the Colloneys of Rhoad Island, New Plymouth and the County of Cornwall.

" The severall Provinces and Collonys in New England * being soe united; the revenue continued and setled in those parts, for the support of the government, amounted to about twelve thousand pounds pr ann^m, and all places were well and quietly setled and in good posture.

" The Church of England being unprovided of place for theyr publique worship, he did, by advice of the Councill, borrow the new meeting house in Boston, at such times as the same was unused, until they could provide otherwise; and accordingly on Sundays went in between eleven and twelve in the morning, and in the afternoon about fower; but understanding it gave offence, hastned the building of a Church, wch was effected at the charge of those of the Church of England, where the Chaplaine of the souldiers p^rformed divine service and preaching.

" On the 18th of April 1689, severall of his Maties Council in New England having combined and conspired together with those who were Magistrates and officers in the late Charter Government annually chosen by the people, and severall other prsons, to subvert and overthrow the goverment, and instead thereof to introduce their former Commonwealth; and having, by their false reports and aspersions gott to their assistance the greatest part of the people, whereof appeared in arms at Boston und^r the comand of those who were officers in the sayd former popular goverment, to the number of about two thousand horse and foote; which strange and sudden appearance being wholly a surprise to

* Connecticut was annexed in 1687, and New York, East and West Jersey in 1688. — Ed.

Sr Edmund Andros, as knowing noe cause or occasion for the same, but understanding that severall of the Councill were at the Councill Chamber where (it being the ordinary Councill day) they were to meet, and some p^rticularly by him sent for from distant parts also there, he and those with him went thither. And tho' (as he passed) the streets were full of armed men, yett none offered him or those that were with him the least rudeness or incivility, but on the contrary usual respect; but when he came to the Councill Chamber he found severall of the sayd former popular Magistrates and other chiefe p'sons then p^rsent, with those of the Councill, who had noe suitable regard to him, nor the peace and quiet of the Country, but instead of giveing any assistance to support the Goverment, made him a prisoner and also imprisoned some members of the Councill and other officers, who in pursuance of their respective dutyes and stations attended on him, and kept them for the space of ten months und^r severe and close confinement until by his Maties comand they were sent for England to answer what might be objected them. Where, after summons given to the p^rtended Agents of New England and their twice appearance at the Councill Board, nothing being objected by them or others, they were discharged. In the time of his confinement being denyed the liberty of discourse or conversation with any p^rson,* his own servants to attend him, or any communication or correspondence with any by letters, he hath noe p^rticular knowledge of their further proceedings, but hath heard and understands: —

"That soone after the confinem^t of his p^rson, the Confederates [took the] fort and Castle from the officers that had the command of them, whom they also imprisoned, and dispersed the few soldiers belonging to the two standing Companyes then there, as they did the rest, when they recalled the forces imployed against the Indians Eastward (which two Companyes are upon His Mat^yis establishment in England,) in wch service half a company of the standing forces at New Yorke being also imployed, the officers were surprised and brought prison^rs to Boston, and the soldiers dispersed, as the remaining part of them at New York were afterwards, upon the revolution there.

"Those Members of His Mat^is Councill that were in confederacy with the before mentioned popular Majestrates and other chiefe

* Mass. Col. Rec., vol. vii. p. 31: "The Councill consented to a vote of the Representatives that Sir Edmund Andros be forthwith removed to the Castle and carefully kept and secured till further order, by a sufficient Guard."

actors in the revolution, tooke upon them the goverment by the name of a Councill, who not content with the inconveniency they had brought on themselves in the Massachusetts Colony, but to the ruine of the poor neighbors, on the twentieth of Aprill gave orders for the drawing off the forces from Pemyquid and other garrisons and places in the Easterne parts, far without the lymitts of their Collony and where the seate of warr with the Indians was, and to seize severall of the officers, and for calling home the vessels appoynted to gard the sea coast and fishery; which was done accordingly, and the forces disbanded when most of the soldiers belonging to the standing Companys there, were dispersed; of which, and their actings at Boston, the Indians having notice, . . . and by the assistance of the French who have been seen amongst them and engaging of severall other Indians before unconcerned, increased their numbers, that in a very short time severall hundred of their Maj^{tis} subjects were killed and carried away captive; the Fort at Pemyquid taken; the whole country of Cornwall, the greatest part of the Province of Maine, and part of the Province of New Hampshire destroyed and deserted; and the principall trade of that countrey wch consisted in a considerable fishery, the getting of masts, yards, &c. for the supply of his Maj^{tis} navy Royall, and boards and other lumber for the supply of the other West India plantations, is almost wholly ruined.

"Since this insurrection and alteration in New England they doe tolerate an unlimited irregular trade, contrary to the severall acts of Plantations, Trade and Navigation, now as little regarded as in the time of their former Charter Government; they esteeming noe laws to be binding on them but what are made by themselves, nor admitt English Laws to be pleaded there, or appeales to his Matie; And many shipps and vessels have since arrived from Scotland, Holland, Newfoundland and other places prohibited, they haveing imprisoned His Maties collector, surveyor and searcher, and displaced other Custom house officers.

"Humbly submitted by

"E. Andros."

[Endorsed,]

"Sr Edmond Andros's acco^{t}
"of the State of New England
"under his Government.
"Rec^{d} 27 May, 1690."

Order for sending Sir Edmund Andros to England.

[Mass. Hist. Coll., vol. vii. 3d series, p. 191.]

To such as for the time being take care for preserving the peace and administering the laws of our Colony of the Massachusetts Bay in New England, in America.

WILLIAM R.

Whereas Sir Edmund Andros, Knt. late Governor of our dominion of New England, has been seized by some people in Boston, and is detained under close confinement there, together with Edward Randolph, John Trefrey, and divers other our subjects; who have humbly requested us that they may be either set at liberty, or sent in safe custody into England, to answer before us what may be objected against them: We do hereby will and require, that the said Sir Edmund Andros, Edward Randolph, John Trefrey, and others our subjects, that have been in like manner seized by the said people of Boston, and shall be at the receipt of these our commands, detained there under confinement, be forthwith sent on board the first shipp bound hither, to answer before us what may be objected against them: and that you take care that they be civilly used in their passage from New England, and safely conveyed to our royal presence.

Given at our Court at Whitehall, this thirtieth day of July, 1689, in the first year of our reign.

By his Majesty's command,

NOTTINGHAM.

[With the royal seal.]

Unsettled State of the Province of New-Hampshire, from April 18, 1689, to 1692.

April 23, 1689. At the Council for the safety of the people and conservation of the peace,— [in Boston]

Ordered, That Maj. Richard Waldren be appointed commander-in-chief of the New Hampshire Regiments; Maj. Charles Frost, commander-in-chief of the West Regiments of the Province of Maine.— [*Mass. Col. Rec.*, vol. vi. p. 6.]

Oct. 10, 1689. A letter was agreed upon to be sent to the Gentlemen of New Hampshire, viz. Messrs Richard Martyn, William Vaughan, Richard Waldron, to desire that some person might be sent as an agent for their Province to meet the Commissioners of the Colony at Boston, the 18th instant to consult of the affairs of the Warr, &c.— [*Mass. Col. Rec.*, vol. vi. p. 81.]

[Copied from Hampton Town Records, by Joseph Dow, Esq.]

Proceedings of the People at Hampton.

"Att a meeting of ye Towne of Hampton this 22 of October 1689 Having then received ffrom the Honorable ye Govenore of ye Maschusits Colony Intimating ye readiness of ye confederate colonys (viz) of Plimouth & Coniticote ffor ye vigorus prosicution of sayd warr against ye comon enemy & expecting ye Province of New Hampshire should send a comishoner to consider and agree so far forth as is reasonable with ye sayd comishoners ffor ye vigorus prosicution of sayd warr against ye comon enemy—wee therfore of the Towne of Hampton consideringe ye charge and great expencis in severall emergincyes that hath hapned since the murtherous invasion of the Endien Enemy And not knowing how ffar it may ffothur proceed wee agree now to send according to request A comishoner ffor to debate and considerr of what is expedient ffor ye ffuter And hould ourselves bound ffor to comply with those meathods that shall be agreed on ffor ye defence of our country and ourselves ffor any time hereafter ye date hereof. *Voted.*"

"*Thes men doe decent ffrom this vote.*

"Henry Dow, William Martin, Henry Moulton, Daved Wedgwood, William Sanbourn, senior, Jno. Redman, juner, Phillip Towle, senior, Samuel Carr, Ebinezer Perkins, Christopher

Palmer, Jacob Perkins, Samuel Masten, Mephebosheth Sanbourn, Thomas Nudd, Abraham Cole, John Lovitt, Beniamin Moulton, Aron Sleeper."

"*Att a meeting of the Towne of Hampton*, 18 *december*, 1689,

"3ly Att ye same meeting the Towne considering the unsseteled estate that we are in ffor want of Gouerment and so the more incapasited to defend our selues against the invation of any Enemy doe think meet that some persons be chosen to meet with some persons deputed by the seuerall Towns in the prouince to consider and debate The matters that may be now Incumbant upon us And make Report of their Advice To the Towne att ye next Towne meeting ffor their approbation or otherways. The persons so chosen as aboue was Mr Nathaniel Wire Capt. Samuel Shearborn and Ensigne Henry Dow. Voted.

"Abraham Green desent" [dissents].

"*Att a publique meeting of the Towne of Hampton* 20 *Jenuary* 1689 [90] ffor as much as since ye late reuolution in ye masitusitts colony no orders ffrom Their Majesties haue yitt arived ffor ye setelment of Gouerment in this Prouince And no authoritie being left in the prouince But that of ye late Justicis which considering our pressent cercomstance cannot answer that End of Gouerment (uiz) the Raysing of men mony &c ffor our defence against ye comon Enemy And ye neighboring Towns Portsmouth and Douer hauing considered that there is a pressent nescesitie of ffaling into some meathode of Gouernment in order to our defence against our professed Enemeys And thay hauing chosen sixe persons in Each Towne as comishoners to meet with ye comishoners of ye other Townes in ye Prouince to confer about and Resolue upon a meathod of Gouernment in this Prouince The sayd comishoners hauing sent to us to desire us to Joyne with them And to send our comishoners with ffull power to agree upon a meathod of Gouerment As they haue We therefore ye Inhabitants of the Towne of Hampton in answer to their request haue agreed to send thes sixe persons as our comishoners to Joyne with ye comishoners of ye other Towns in ye Prouince to confer about and resolue upon a meathod of Gouernment within this Prouince And what ye sayd comishoners of the whole Prouince or the majer part of them shall conclude and agree upon as to ye setelment of Gouernment amonst us If thes our sayd comishoners (uiz) Henry Green Esqre Ensign Henry Dow Mr Nathaniel Wire Capt. Samuel Sherrborne Morris Hobs Senior and Mr Edward Goue in discorsing and agree-

ing about ye same if thay or ye majer part of them shall se Just cause to comply and agree with the other comishoners as to ye way and meathod of Gouernment that shall be setteled amonst us And shall subscrib therto we the Inhabitants of ye Towne of Hampton Reposing espeaciall Trust and confidence in our sayd comishoners what thay shall agree to; or the majer part of them We shall hould as good and valued to all intents and purposes: Hereby obleidging our selues to yeild all ready obeadience thereto untill Their Majesties Order shall ariue ffor ye setelment of Gouerment over us. Voted."

"Thes men decent Joseph Shaw Henry Moulten William Samborn senior Jonathan Wedgwood John Hussy Ben: Swett John Smith (Tayler) Ephreham Maston James Maston."

"*Att a meeting of ye Towne of Hampton October* 26: 1691,

1st the inhabitants then meett voted that thay owned it then to be a Towne meeting

2ly Mr Nathaniel Weare was then chosen Moderater ffor that meeting

3ly Receiuing a letter ffrom Capt John Pickerin by ye order of majer Vaughan wherein is Requested that some men be sent To Portsmouth To Aduize what is most requissitt & needfull to be done in our defence against the comon Enemy we haue made choyce of Mr Nath^ll Weare Henry Dow and Mr Joseph Smith as a committee to treat with the gentlemen of this prouince that shall now meet according to his letter: and what shall be our proportion of charge ffor men & pay in order to our ffuter defence we hould our selues obleidged too in that meathod as our sayd committie or two of them shall agree and subscribe too Voted."

Proceedings at Dover.

A public Town Meeting appointed to be held at the Meeting house upon Dover Neck, 28 October, 1689, the inhabitants of sd Town being met, Voted, the s^d meeting to be legal.

At a public Town meeting held at Dover, this 28th *October*, 1869,

Voted That Lett. Jno. Tuttle is chosen to open the votes at Portsmouth for ye choice of a Commissioner, by ye majority of votes, for the joyning with the Commissioners of the United Colonies, and to join with the rest of the Representatives of this Province, in giving such instructions to the sd Commissioners as shall be thought meet, for the vigorous management of the present war.

New Hampshire, Dover Neck, in New England.

At a publik Town Meeting held Jan. 1, 1689-90,

Whereas this Province since the last Revolution in the Massachusetts Colony have been destitute of Government, and has hitherto weighted their Maj^ties^ order for a settlement thereof, wch not yet arriving and seeing a present necessity of falling into some method of Government in order to our defence against the common enemy;

Voted—*Nemine contradicente,*

That six persons be chosen in this town as Commissioners to meet with the Commissioners of the other Towns of the Province to confer about and resolve upon a method of Government within this Province, and what the said Commissioners of the whole Province or the main part of them shall conclude upon and agree as to the settlement of Government among us, Wee the inhabitants of Dover shall hold as good and valid to all intents and purposes, hereby obliging ourselves to yield all ready obedience thereunto until their Majes^ts^ order shall arrive for the settlement of Government over us.

The persons chosen by the majority of votes of the Town are,

Capt. Jno. Woodman,
Capt. Jno. Gerrish,
Left. Jno. Tuttle,
Mr. Tho. Edgerly,
Left. Jno. Roberts,
Mr. Nicolas Follet.

This passed a clear vote in the Town Meeting in Dover Meeting house this first day of January, 1689.—[*Town Rec. Dover*, Hist. Mem. No. 80, A. H. Q.]

Proceedings at Exeter.

"At a Towne Meeting at Exeter December ye 25th 1689,

Then chosen to meete the messengers of the province to consult about settling Matters for this Towne,

Robt Wadleigh, sean^r^.
Ensine Willm More.
Sam^ll^ Leavit.

Also these three men are Impowered after they Return home to conveane the people together to Receaive the opinion of saied people of the other towns."

A true copy of record.

Attest, J. S. Parsons, Town Clerk.

Exeter, December, 1867.

[Extract from the Records of the Town of Portsmouth, N. H.]

Proceedings at Portsmouth.

"Portsm° January 30th 1689.

At a generall Towne Meeting Where as since the late Revolutio^n In the Massachusetts Colloney hath bin destitute of Goverment this Province hath bin destitute of Goverment, and have waited their majs^t order for a Settelment there of which not yet Arived And seeing a present necessety of falling into sum method of Goverment in order to our defence against the Comon Enemy

Voted y^t Six psons be chosen in this Town as Comission^rs to meet wth ye Comission^rs of ye other Towns of ye Province to conferr about & resolve upon a Method of Govenm^t w^thin ye Province, & what ye s^d Comission^rs of ye whole Province, or ye Maj^r p^t of y^m shall consider of & agree upon as to ye settlement of Govenment among us, we ye Inhabitants of Portsm° shall hold as good & valid to all Intents & Purposes, hereby obliging ourselves to yield all ready obedience thereunto, untill theyr Majesties order shall arrive for ye settlement of Government among us The six Comission^rs chosen by ye Major vote are

Major William Vaughan
Mr Richd Waldron
Mr Nath. Fryor
Mr Robt Eliott
Mr Thos Cobbett
Capt Jno. Pickerin

The Comittee above met wth y^e
Other Town^s, but came to no Conclusion."

A true extract from the original records.

Attest, MARCELLUS BUFFORD, City Clerk.

New-Hampshire Petition.

THE HUMBLE ADDRESS OF THE INHABITANTS AND TRAIN SOLDIERS OF THE PROVINCE OF NEW-HAMPSHIRE, FEBRUARY 20, 1689-90:

To the Honorable, the Governor and Council of their Majesties' Colony of the Massachusetts Bay, in New-England:

Humbly showeth, that whereas, since the late revolution in your colony, you have exerted a power of government over their Majesties' subjects and inhabitants therein, which we are given to

understand their Majesties have been graciously pleased to approve of, and impowered you to continue the same till further order; and we, who were under your government, having been for some time destitute of power sufficient to put ourselves into a capacity of defence against the common enemy; and having, with great expectation, awaited their Majesties' order for a settlement amongst us, which, not yet arriving, considering how liable also we are to destruction by the enemy, which of ourselves we cannot prevent, we are therefore necessitated at present to supplicate your Honors for government and protection, as formerly, until their Majesties' pleasure shall be known concerning us: hereby obliging ourselves to a due submission thereto, and payment of our equal proportion (according to our capacity), of the charge that shall arise for the defence of the country against the common enemy; praying also that such persons may be commissionated to command the militia as have already been or shall be chosen by the trained soldiers in the respective towns, desiring your Honors to grant us this our request, and your petitioners shall ever pray.

Christian Dodevah,
Andrew Wiggin,
Thomas Wiggin,
Thomas Read,
Thomas Wiggin,
Simon Wiggin,
Isaac Cole,
Roger Keller [*or* -ley],
George Person,
George Veasie,
Wid. Morgan,
Samuel Powell,
William Wentworth,
Nicholas Gorden,
Philip Hanson,
Jonathan Clarke,
Thomas Veasie,
Alexander Gorden,
John Doolor,
Silvanus Wentworth,
Thomas Dudlee,
Moses Gilman, Jr.,
Joan Fickett,
John Sinklee,
Nathaniel Wright,
Thomas Wiggin,
The mark × of Philip Duday,
William Hilane,
John Wadleigh,
Daniel Bean,
William Ardell,
Samuel Hilton,
The mark × of James Thomas,
Charles Glidden,
The mark × of Robert Smart,
The mark × of Ed. Rowe,
William Hilton, his × mark,
William Perkins, his × mark,
Robert Smart, Jr.,
John Symons, his × mark,
Henry Williams,
John Wheeler, by order,
John Hilton, "
——— ———, "
Steven Robeson,
Robert Wadlee,
John Sinkler, Jr.,
Ed. Daniel,

Robert Powell,
Mark Stacey,
Ben. Jones,
Humphrey Willson,
Edward Gilman,
Peter Coffyn,
Edward Gilman,
John Gilman,
John Foulsam,
John Gilman, Sen.,
Nathaniel Pinkham,
Moses Leavitt,
Kinsley Hall,
Francis Lyford,
The mark × of Philip Cotter,
Stephen Dudley,
Nathaniel Ladd,
James Gilman,
The mark × of Edward Dyar,
Moses Gilman,
Jodel Judkin,
Ephraim Foulsham,
John Wilson,
William Moore,
Tho. Rawlins, his × mark,
Nehemiah Lee,
John Gillman,
William Taylor, his × mark,
David Larance,
Billy Dudley,
Samuel Leavitt,
Theophilus Dudley,
Jonathan Thing,
Samuel Gilman,
Theo. Smith,
Samuel Bean,
Samuel Thing,
John Bean,
Ehazar Elkins, his × mark,
Thomas Skees, his × mark,
The mark of Nicholas × Nares,
John Scribner,
The mark of John × Bean,
Natha. Hall,
Ed. Messer,
Rich. Shannon,
Tho. Jackson,
Will. Scammon,
Richard Morgan, Jr.,
Geo. Roberts,
Henry Langstaffe, sen., his × mark,
Rich. Rowe, his × mark,
John Camn,
John Nutter,
Henry Lancaster,
George Brown, his × mark,
Samuel Rowlenes,
Joseph Stower,
John Keniston,
Ichabod J. Rawlins,
James Sinkler,
Ben Loot,
George Ricker, his × mark,
John Foster,
Maturin Ricker, his × mark,
John Willey, his × mark,
John Cook, his + mark,
Elizabeth Horne, her + mark,
Mark Goyles, his + mark,
William Kin,
Joseph Cann,
Edward Allen,
John Cooke, his × mark,
John Ellis, his + mark,
William Waymouth,
Thomas Roberts,
William Wills, his + mark,
John Duren,
Thomas Austin,
Isaac Stokes, his × mark,
Tho. Whitehouse, his + mark,
Leonard Hamilton,
Hateevil Roberts,
Joseph Roberts,
Ralph Hall,

David Robison, his × mark,
The mark of Anthony × Hern,
Jeremiah Gilman,
Nath. Fryer,
John Derry, his × mark,
John Church,
Robert Evans, senior,
Samuel Heard,
Thomas Downes,
Ezek. Wentworth, his × mark,
John Ham,
Jenkin Jones,
Gersham Wentworth, his × mark,
Nath. Heard,
John Cook, his × mark,
Francis Pitman, his + mark,
John Horne, his + mark,
John Hayes,
Robert Burnam,
Jeremiah Burnum,
Richard Duallons,
John Buss,
Joseph Meder, his + mark,
John Meder, junior,
Stephen Willey his × mark,
Joseph Davis,
Barned Squire, his + mark,
Nicholas Dunn,
Moses Davis,
Beriah Higgins,
Thomas Bickford,
Charles Adams, C. A. his mark,
William Wiltens, his × mark,
Benjamin Matthus, his + mark,
John Bunker, B. O. his mark,
Joseph Kent,
Salathiel Denbow, his × mark,
Stephen Jenkins, his × mark,
Philip Doules, by order,
William Durgen, by order,
Thomas Grafton,
John Skipway,
John Roberts,
Tho. Tebbets,
William Furber, senior,
Roger Roscar,
John Bickford,
Robert Elliot,
Thomas Cobbett,
John Hatch,
Shadrach Walton, by his order,
Joshua Fryer,
Elias Stileman,
Nath. Fryer, junior,
John Davis,
James Smith,
Nathaniel Hill,
John Cotton,
John Woodman,
John Gerrish,
Thomas Packer,
Thomas Edgerly,
Jno. Rand,
Zecharias Foill,
Tho. Roberts, T. R. his mark,
John Hale,
Thomas Young,
William Furbur,
Thomas Chesley,
Philip Cheles,
Robert Watson,
Stephen Jones,
Thomas Arsh, his + mark,
Edward Lethers, his + mark,
Philip Chesley, his + mark,
John Pitman,
James Derry, his + mark,
Charles Allin,
John Johnston,
John Foss, his × mark,
Tho. Lewis,
John Sherburn,
John Cate,
Richard Goss, his + mark,
Ed. Kaser, his + mark,

Samuel Wentworth,
John Tucker, senior,
George Snell,
John Chenolln,
The + mark of Splan Lovell,
Daniel Wentworth,
The R. mark of Richard Monson,
The + mark of Pettie Balt,
John Jackson,
The + mark of Lewis William,
John Davis, junior,
The × mark of Robert Puddington,
Samuel Neal,
William Cotton,
Samuel Wentworth,
John Baillett, his + mark,
John Snell,
Aaron Moses,
The mark + of Wm. Richards,
John Holmes,
Samuel Burnum,
George Walker,
Wm. Seavey,
John Sevay,
Nathaniel Sevay,
The mark × of Thomas Davis,
George Tebly,
The mark × of Sam. Rand,
The mark × of Francis Rand,
The mark × of Chellis Bracket,
The mark × of John Warden,
Walter Neal,
John Pickerin, sen.,
Tobias Langdon,
John Partridge,
W. Partridge,
John Fletcher,
Samuel Blagdon,
Jno. Plaisted,
Elisha Plaisted,
Samuel Clark,
Matthew Nelson,
William Pitman,
Edward Cate,
Nathaniel Ayers,
Fran. Jones, his + mark,
The + mark of Peter Wells,
John Savage,
John Philbrook, his + mark,
The + mark of Robert Kinckbon,
Mark Ayers,
The + mark of Thomas Evy,
John Bruster,
John Wesbruck,
Richard Waterhouse,
George Fabin,
Elisha Friard,
Richard Webber,
John Oliver,
Tho. Lucey,
Jacob Lavers,
Tho. Beck,
Jonathan Lewis,
Nicholas Walden,
John Tucker, junior,
Edmund Keerick,
Daniel Westall,
John Treenick,
John Hill,
Henry Sherburn,
Abraham Lewis,
William Deves, his × mark,
Nicholas Bennet,
Timothy Davis,
The + mark of Thomas Puddington,
Thomas Jackson,
Thomas Edments,
James Tucker,
William Cate,
The + mark of Job Westbrook,
John Pickerin, junior,
William Bond, his + mark,
Richard Martyn,

Geo. Haullrig,
Joseph Alexander,
John Wakcom,
John Baker,
Benjamin Cotton,
Obadiah Morse,
John Westbrook, his + mark,
John Denest,
John Sherborn, senior, by his order,
Nathaniel Drake,
John Foss, sen., his + mark,
John Berry, sen., his × mark,
William Wallis,
The × mark of George Wallis,
John Sherburn,
The × mark of Issem Misvoy,
The × mark of Jestenyan Richards,
Thomas ——kam,
The × mark of John Lewis,
John Partridge,
Philip Lewis,
The × mark of Leonard Weeks,
John Emlen,
Edward Gove,
The × mark of Morris Hobbs,
John Moulton, senior,
Daniel Tilton,
The × mark of Isaac Godfree,
Thomas Webster,
John Sanbourn,
John Taylor,
John Godfree,
Morris Hobbs,
Joseph Sanbun,
Jonathan Philbrick,
Abraham Drake,
William Vaughan,
Richard Waldron,
Samuel Keats,
Samuel Penhallow,
William Partridge,
John Cutt,
John Light,
John Smith,
Humphrey Perkins,
Thomas Dearborn,
The mark × of William Lane,
Nathaniel Bachilor,
The mark + of Samuel Shaw,
John Moulton, jun.,
Nathaniel Sanborn,
Samuel Sherburne,
John Tuck,
Daniel Ruicard,
Edmund Johnson,
John Leavitt,
Joseph Cass,
William Field,
Benjamin Fifield,
Nathaniel Bacheler, jr., by order,
Samuel Colcord,
Joseph Moulton,
Richard Sanbourn,
Christopher Page,
Abraham Drake,
Benjamin Molton,
Isaac Maston, his + mark,
Samuel Robay,
John Cram,
Samuel Fogg,
The mark + of Aaron Sleeper,
Thomas Philbrick, sen.,
Mr. + Sowter.

New-Hampshire Petition.

Province of New-Hampshire, March, 1689–90.

To the Honorable the Governor and Council of their Majesties' Colony of the Massachusetts.

Whereas the inhabitants of said Hampshire did petition your Honors for government and protection as formerly, promising obedience thereto, and payment of their equal proportion of the charge that shall arise for defence of the country against the common enemy, as also that the persons chosen to take the conduct of the militia might be commissionated for that end, a list whereof I understand do herewith present, praying, in the behalf of the Province, that commissioners for each of them in their places may be sent, both for military and civil officers, as also such orders to the major treasurer and recorder as your Honors shall judge most suitable for doing their duty in their places.

Also, that if it may be thought convenient that deputies or deputy may be sent from the General Court or major-general to the major of our Province, for disposing of the militia in each town with the comity of militia, as may be thought most conducible to the defence of the Province, and also, as occasion may serve, to impress men:

And that your Honors would please to order what is best to be done with a negro murderer, which is in our Province in irons; praying that your Honors would consider each of these particulars, and that I may be dispatched as soon as possible, that so we may get into some order for our preservation against the common enemy, which may be on us before we are aware of. This in behalf of the Province aforesaid.

Subscribe your Honor's most humble servant,

JOHN PICKERIN.

New-Hampshire, for Province Officers.

Dover Military Officers. — John Gerrish, Captain; John Tuttle, Lieutenant; William Furbur, Ensign.

Portsmouth Military Officers. — Walter Neal, Captain; John Pickerin, Lieutenant; Tobias Langdon, Ensign.

Oyster River. — John Woodman, Captain; James Davis, Lieutenant; Stephen Jones, Ensign.

Exeter. — William Moore, Captain; Samuel Levett, Lieutenant; Jonathan Thing, Ensign.

Great Island. — Nathaniel Fryer, Captain; Thomas Cobbett, Lieutenant; Shadrach Walton, Ensign.

Hampton.—Samuel Sherburn, Captain; Edward Gove, Lieutenant; John Molton, Ensign.

Mr. William Vaughan, Major.

Mr. Sam. Penhallow, *Treasurer;* John Pickerin, *Recorder;* Mr. William Vaughan, Mr. Richard Marten, Mr. Nathaniel Frier, *Justices of Portsmouth.*

For Dover—Mr. John Gerrish,

For Exeter—Mr. Robert Wadlee, sen.

The above written is a list of the several officers' names presented from each town in the above said Province, and to be presented to the honorable governor and council of the Massachusetts Bay.

JOHN PICKERIN, *by order.*

Voted in the affirmative by the magistrates:

ISAIAH ADDINGTON, *Secretary.*

March 19th, 1689–90.

Consented to by the deputies:

EBENEZER PROUT, *Clerk.*

Upon reading and perusal of an act of the honorable Governor and Council, dated the 28th of February last past, in answer to a petition of the principal gentlemen and inhabitants of New-Hampshire, for protection and government from this colony, as formerly, until their Majesties' pleasure shall be known concerning them, and the commissionating of officers to take the charge and the command of the militia there;—This court do hereby manifest their consent and approbation of the said act of the Governor and Council in that behalf, and do further consent that their Majesties' subjects of said New-Hampshire be taken under the protection and care of this government, upon the same conditions in all respects with the inhabitants of this colony.

[Mass. Court and Col. Rec., vol. vi. p. 195.]

Whereas the inhabitants of the Province of New-Hampshire upon their Petition have been taken under this government, and protection thereof until their Majesties' pleasure shall be further known concerning them, and have accordingly obliged themselves to the payment of an equal proportion with the rest of the Country of all charges arising by this present warr, Its ordered that ye Secretary write a letter in the name of this Court to the

Justices of Peace within said Province directing them or the major part of them to send forth particular summons to their respective Towns to choose and impower two meet persons, from each Town to assemble together with the said Justices, or the major part of them at Portsmouth on the 23d of June, inst, the said assembly to take effectual care to have the claims and accounts of all public documents adjusted, and a present assessment and Levy to be made upon the inhabitants of that Province in such way and manner as may be agreeable to former custom amongst them, or otherwise most acceptable, to be collected, and paid into the Treasury of said Province, and issued thence for payment of said Disbursements by order of said Justices in their auditing and adjusting all accounts of disbursements & service done relating to the warr, to proceed according to such rules and methods therein as have been attended by the Committee appointed in Boston for that end.

[Mass. Court and Col. Rec., vol. vi. p. 140.]

Ordered that sixty of the four hundred soldiers appointed to be raised by order of this Court be put under the Command of Capt. John Floyd, and forthwith posted at Portsmouth, East Hampshire, for the further enforcement and strengthening of that Port, and otherwise to be impowered against the Common enemy as they shall be ordered.

[Mass. Court and Col. Rec., vol. vi. p. 143.]

Messrs. John Foster, Edward Bromfield & Joseph Parsons, Comesioners for the War, are desired and ordered forthwith to provide, and send forward unto Portsmouth & Wells, the quantity of Provisions, clothing and other necessaries herein mentioned, on the public account, for the supply of the soldiers posted in those parts, viz. nine thousand weight of Bisquets, twenty bbls. Pork, Twenty Bushels of Pease, One hundred shirts, Fifty Coats, Waistcoats and Drawers, Forty Hats or Capps, one hundred pair of shoes, one thousand of Flints, two bls. sugar, and two Hhds of Rhum, Four Hundred weight of Tobacco; Such of the above particulars as are returned here from Port Royal, to be improved for this supply — one half to be sent unto Portsmouth, and the other half to Wells.

[Coll. N. H. Hist. Soc., vol i. p. 135.]

Copy of a Letter from Nathaniel Weare, Esq., to Major Robert Pike, one of the Assistants of Massachusetts Colony.

Major PIKE.

Honoured Sir. The many revolutions and chainges that has happened abroad is very wonderfull and almost amazinge; Besides what has hapned amonge and upon ourselves is very awfull and thinges loke very darke, the consideration thereof is so oppressive that [I] cannot but seke for some ease, and I know no better way [as to man] then to communicat some things to your honour, from whose prudent direction I may receive mutch sasiffaction, and shall therefore crave the boldness to ofer a few lynes to your consideration not to medell with thinges further off. I shall, as brief as I may, ofer you what has happned in this province of New Hampshire, and more pertiquerly in the towne of Hampton. Sir, it is no new thynge to tell you how that him [Gov. Andros] that was both governor in your colony and also in our province was seazed and the occashon thereof, whereupon, wee had only the Justices and Inferior officers left; the superior commanders being layd aside, that great questions arose whether Justices retayned theire power or any Captain, or other officer derivinge his authority from him so seased: My opinion I shall alltogether wave in that matter: But so it was that it was for the most part concluded of, that we had no governors nor authority in this province so as to answer the ends of government, and to command and doe in the defence of theire majestys subjects against the comon enemy, therefore many asayes was maid in this provance to make some government till theire Majestys should take further order, but all proved ineffectuall. At first there was in the severall Towns in the Province persons chosen to manage the affairs of government in this juncture of time, but that was for some reasons laid aside, afterward there was in the town of Hampton 3 persons chosen in the towne of Hampton to meet with the Comiss: [Commissioners] of the other towns if they see cause to apoint any to debate and conclude of what was necessary at this time to be done in relation to some orderly way of Government and to make theire returns to the severall Townes for approbation or otherwise. But the inhabitants of Portsmouth met and made choice of some persons to meet with the Commissioners of the other Towns to Debate and consider of what was to be done in order to the settlement of some Government, till their Majestys should give order in the matter.

What they did, they ingaged themselves certainly to comply with. The inhabitants of the town of Hampton began to be very jealous of their friends and neighbours that they would bring them under severall inconveniences in comanding from them their men, and mony as they pleased, and so were very hard to be brought to any thing, but after severall meetings and debates, did chose 6 persons as Comissioners, with power according to the other towns (viz) Portsmouth, Dover and Exeter, and after debats jointly and fully every man then present agreed to such a method as was then drawne up. Then the severall towns was to nominate and chose meet persons for the end aforesaid; but whereas the Inhabitance of the Towne of Hampton meet on warning for that end, the major part by far of the said towne seemed to bee ferful and suspicious of theyer neighbour townes [that] they did not intend to doe as was pretended, but to bring them under to theyer disadvantage, which I thought was very ill so to think, yet they would give som instance of som former acts don, which notwithstanding, I seposed they were too uncharitable.

And so they made a voat they would not chose any person according to the direction of the Committee meet and so all proved inefectuall. After some time the apprehention of the necessity of some orderly way of government and therby to be in the beter method to defend themselves against the comon enemy, seemed to inforse them to another asay for the obtayning thereof, and so the inhabitance of Portsmouth, drew up and signed, so many as did, a pettition, as I am informed (for I never saw it,) to the honorable the governor and councill of the Matathusetts Collony to take this province into theire care and protection, and government as formerly; and so the other townes, Dover and Exeter complyed with it how generally I know not, and so brought to Hampton on Wednesday, the 26th of February last past, when the soldiers were there warned to appeare for consernes specified in said order, but no intemation given for the end of signinge to the petition, so that severall children and servants made up the number of names, when theyer parrants and masters, its said, did know nothinge of the maters, and I doubt too true. It was quickly after by William Vaughan Esq and Capt. John Pickeringe brought into the province declareing to bee excepted [accepted] by the said governor and councell, with orders given forth to meet on such a day fo chusinge of selectmen and constables and other towne oficers according to former usage and custom as appears by order given to Justice Greene, bearinge date the 4th of March, 1689–90. Coppes I sepose yourselfe have. What was done on that day I need not

tell. Yourselfe knows very well. But this I shall insert—that chusinge of major treasurer, and recorder was not accordinge to former usage and custom. It was prest by some to have it voated whether they would in this towne of Hampton acquies and comply with the pettition and the returne, or words to that efect, which yourselfe was pleased to say all would bee knoct on the head at one blow. Now how comfortable it will bee for about 50 persons to prescribe the method and way of government for about 200 I shall leave to your honour to consider.

For my owne part its well knowne I am for government, and so are severall others whose names are not to the petition and hath a great esteme of and good will to, the Matathusetts government, and to those worthy persons that doth administer the same. And with very littell alteration, I doubt not but many more would have, if they might have their hands to the pettition; but to have hands in the several towns to the same petition to bee under the government of the Mattathusetts collony as formerly, when we are so differently sarcomstanced as som of us know wee have been, is hard; to draw such a pettition and when such a petition is drawn, subscribed as it is, and excepted [accepted] of, for the subscribers to act contrary to the same is very strange. Formerly, not to medell with the custom and usage of the gentlemen of Pascataway, wee at Hampton had the choice of our magistrats and publike oficers, as yourselfe knows; and how the assistance or magistrats at Portsmouth can grant any warrants or exercise the administration of government over Hampton that never chose them, I know not; so that upon the whole, the government of the Matathusetts cannot I suppose exercise nor apoint any governors over us till they have authority so to doe from the crowne of England, or wee or the major part in the severall towns doe pray for it which at present is not in Hampton as it plainly appears; So that to bee subjected to a government in the province and principally at Portsmouth, which have bin so much spoken against by so many in Hampton will be very teadious to them; and the chusinge of militery oficers as hath bin to give all due respects to those persons, I shall not say of excedentell quallefications so well knowne to yourselfe, but only say that ffranzey leaders may happen to have mad followers; so that to have a government so imposed, what will I feare follow but destractions, hart burnings, disobedience to the seposed comanders, publike diclerations, remonstrenses set forth that may reach as far as England, and so make way for a person to be deputed by the crowne of England, that may, under the collor of Commission, exercise his owne will,

not to speak of declerations of userpations still continued in the collony. Some have thought forthwith publekly to declare themselves to the governors in said collony that all may be healed as quietly and as sillently as it may bee, and I doubt not your wisdome will be exersised in this matter, and that wee may have peace and unety with you, and that at length we may have a happy peaseable settlement:

And that the God of peace would by all means geve us peace and truth, is the desier and prayer of your very humble servant

NATH^ll WEARE.

Hampton, this 15th of March. 1689–90.

Documents relating to Wars with the Indians, 1687–1690, including the Massacre at Dover, June, 1689.

[Farm. Belk., p. 124.]

Origin of the War with the French and Indians, called King William's War, 1688.

"The lands from Penobscot to Nova Scotia had been ceded to the French, by the treaty of Breda, in exchange for the Island of St. Christopher. On these lands, the Baron de St. Castine had for many years resided, and carried on a large trade with the Indians, with whom he was intimately connected. The lands which had been granted by the Crown of England to the Duke of York (now King James the Second) interfered with Castine's plantation, as the Duke claimed to the river St. Croix. A fort had been built by his order at Pemaquid, and a garrison stationed there to prevent any intrusion on his property. . . . In the spring of 1688, Andros went in the 'Rose' frigate, and plundered Castine's house and fort; leaving only the ornaments of his chapel to console him for the loss of his arms and goods. This base action provoked Castine to excite the Indians to a new war." . . .

[N. Y. Col. MSS., vol. iv. p. 282.]

Extract of a Memorial from Mr. Nelson, dated 2d July, 1697.

"You may please to take notice that after the surrender of Acadie unto the French, in the year 1670, by Sr. Thomas Temple,

the successive Governors of New York did (by virtue of orders from England, as I suppose) make claime unto part of said countrys, that is to say, from Pentagoet to the River St. Croix, as having of it inserted in the Duke of York's Patent. But the French still kept possession until Sir Edmond Andross made an attempt upon it, by summoning in one Mr. St. Costeine to acknowledge his dependence on the Crown of England;—upon whose refusal, he went with a Frigate to Pentagoet, pillaged his house of what he found in it, but himself escaped; *on which arose* (by the said Costein's instigation) *the Indian war with which we have ever since been infested.*"

[N. Y. Col. MSS., vol. iv. p. 476.]

"Sr Edmund Andros when Governor of New York invaded them (the country called Pentagoet westward to the River St. Croise Eastward) by force and took the habitation of one Mons. St. Costene a Frenchman who thereupon instigated the Eastern Indians to make War against us, with which war the frontier Countries of New England on that side have been much infested."

[From Mass. Col. Rec., vol. vi. p. 6.]

"Major Richard Waldron appointed Commander in Chief of New Hampshire; Major Charles Frost of the West Regiment of the Province of Maine."

[The same, vol. vi. p. 8.]

"Messenger to be sent to make discovery of the number of Indians at Penecooke;—Col. Barth. Gedney sent."

[The same, vol. vi. p. 13.]

"Wiolanset, the Penecooke Sachem Watamun, one of his chief Captains, came down to the Council, manifesting their Friendship to the English, and promist the continuance thereof, and to secure any of the Enemy Indians that shall come among them."

Letter from Major Henchman to the Governor of Massachusetts.

Hon'd Sir—This day two Indians came from Pennacook, viz. Job Maramasquand and Peter Muckamug, who report that damage will undoubtedly be done within a few days at Piscataqua, and that Major Waldron, in particular is threatened; and that Julimatt fears that mischief will quickly be done at Dunstable. The Indians can give a more particular account to your honor. They say if damage be done, the blame shall not be on them, hav-

ing given a faithful account of what they hear; and are upon that report moved to leave their habitation and corn at Pennacook. Sir I was very loth to trouble you and to expose myself to the censure and derision of some of the confident people, that would pretend to make sport with what I send down by Capt. Tom (alias Thomas Ukqucakussennum.)

I am constrained from a sense of my duty, and from love to my countrymen, to give the information as above. So with my humble service to your honor, and prayers for the safety of an endangered people,

I am, Sir your humble Servant

THO: HINCHMAN.

June 23, [1689].

Mr. Danforth communicated the information to Gov. Bradstreet, who, with the Council, ordered a messenger to Cochecho with the following :—

BOSTON 27 June: 1689.

Honored Sir. The Governor and Council having this day received a letter from Major Henchman of Chelmsford, that some Indians are come in to them; who report that there is a gathering of Indians in or about Penecooke with designe of mischief to English, amongst the said Indians one Hawkins (Kankamagus) is said to be a principle designer, and that they have a particular designe against yourself and Mr. Peter Coffin which the Councill thought it necessary presently to dispatch Advice Thereof to give you notice that you take care of your own safeguard; they intending to endeavor to betray you on a pretention of Trade. Please forthwith to Signify the import hereof to Mr. Coffin and others as you shall thinke necessary and Advise of what Information you may receive at any time of the Indians motions.

By order in Council,

ISA: ADDINGTON, *Secry.*

For Major Rich'd Waldron,
and Mr Peter Coffin or either
of them
At Cochecho.
These with all possible [speed].

The messenger hastened towards Cochecho; he would have been in season, but he was unavoidably detained at Newbury Ferry, and he reached the place only on the morning of the 28th.

"On the evening of the 27th June, 1689, two squaws, according to the previously arranged plan, applied at each garrison house for liberty to sleep in them: this was often done in time of peace, and they were readily admitted into Waldron's, Heard's, the elder Coffin's, and Otis's. At their own request, they were shown how to open the doors and gates, in case they wished to leave the house in the night. They told the Major that a number of Indians were coming to trade with him the next day, and Mesandowit, who was at supper, said, 'Brother Waldron, what would you do if the strange Indians should come?' 'I could assemble a hundred men by lifting up my finger,' carelessly answered the Major. No watch was kept, and the family retired to rest.

"In the hours of deepest quiet, the gates were opened. The Indians, who were waiting without, immediately entered, placed a guard at the gate, and rushed into the Major's apartment. Awakened by the noise, he sprang from his bed, seized a sword, and, though over eighty years old, drove them through two or three rooms; but, returning for other arms, they came behind him, stunned him with a hatchet, and overpowered him. Drawing him into the hall, they then placed him in an elbow-chair on a long table with a derisive cry, 'Who shall judge Indians now?' They then obliged the members of the family to get them some supper; when they had finished eating, they cut the Major across the breast with knives, each one with a stroke saying, "I cross out my account." Cutting off his nose and ears, they thrust them into his mouth; and when he was falling down, spent with the loss of blood, one of them held his own sword beneath him: he fell upon it, and his sufferings were ended."—*Hist. Mem.* No. 111, A. H. Q.

"After the death of Major Waldron and the removal of the family by the Indians, his house was burnt. Otis's garrison was captured in a similar manner to Waldron's. The owner, Richard Otis, was killed, either in rising up in bed or on looking out the window. His son Stephen and daughter Hannah were killed; the latter, a child of two years, having her head dashed against the stairs. The wife and infant child of Richard Otis, and two chil-

dren of Stephen Otis (Stephen and Nathaniel), were carried captives to Canada. Three other daughters of Richard were carried away, but were recaptured in Conway. Heard's garrison was saved. The door had been opened and the Indians were entering, when William Wentworth, who had been awakened by the barking of a dog, pushed them out, shut the door, and, falling on his back, held it until the people came to his assistance. Two bullets passed through the door, but both missed him. The elder Coffin's house was similarly captured, but, as the Indians had no particular enmity to him, they contented themselves with pillaging his house. Finding a bag of money, they forced him to scatter it by handsful, while they amused themselves by scrambling for it. His son had refused to receive the squaws on the previous evening, but the Indians, coming to his house, threatened to kill his father before his eyes unless he surrendered: to save his father's life he did so. These captives were placed in an empty dwelling, but in the confusion they escaped. Of Paine's garrison, in its connection with this attack, we know nothing: Gerrish's escaped.

"Five or six houses were burnt, as were the mills upon the lower falls. Twenty-three persons were killed, and twenty-nine carried away captive. Their names were preserved only in part. Of the killed were Major Waldron, Abraham Lee (his son-in-law), Robert Evans, Richard Otis, Stephen Otis, Hannah Otis, Joseph Dug, Joseph Duncan, Daniel Lunt, Joseph Saunders, Joseph Buss, William Buss, William Arin, William Horn, and the widow of Thomas Hanson; of the other eight we know nothing.

"Of the captured were Joseph Chase, Mrs. Lee (daughter of Major Waldron), the wife of Tobias Hanson, the wife of Richard Otis, Sarah Gerrish, Christine and three other daughters of Richard Otis, Nathaniel Otis, Stephen Otis, and John Church. We cannot find the names of the remaining seventeen."—*Hist. Mem.* No. 116, A. H. Q.

Letter from Richard Waldron, Jun., Esq.

PORTSMOUTH, 28th June, 1689; about 8 o'clock, morning.

Just now came ashore here from Cocheca John Ham and his wife, who went hence last night homeward [with Mrs. Heard] (they living within a mile of Major Waldron) and about break of day going up the river in a canoe, they heard guns fired but notwithstanding proceeded to land at Major Waldron's landing place, by which time it began to be light, and they saw about

twenty Indians near Mr Coffin's garrison, shouting and shouting, as many more about Richard Otis's and Thomas Pain's, but saw their way to Major Waldron's, where they intended immediately to secure themselves; but coming to the gate and calling and knocking could receive no answer, yet saw a light in one of the chambers and one of them say (looking through a crack of the gate) that he saw sundry Indians within the garrison which supposed had murthered Major Waldron and his family, and thereupon they betook themselves to make an escape, which they did, and met one of Otis's sons who also escaped from his father's garrison informing that his father and the rest of the family were killed. Quickly after they set sundry houses on fire. This is all the account we have at present, which being given in a surprise, may admit of some alterations; but doubtless the most of those at or about Cocheca are destroyed.

The above account was related to me.

RICHARD WALDRON, Jr.

Accompanying the preceding was the following: —

PORTSMOUTH, 28th June, 1689.

Major ROBERT PIKE.

Honoured Sir, — Herewith send you an account of the Indians surprising Cocheca this morning, which we pray you immediately to post away to the honourable the governor and Council in Boston, and forward our present assistance, wherein the whole country is immediately concerned.

We are, sir, your most humble servants

RICHARD MARTYN.
Wm VAUGHAN.
RICHARD WALDRON, jr.
THO. GRAFTON.
SAMUEL WENTWORTH.
BEN HULL.

To the Honourable Major Robert Pike at Salisbury. Haste, post haste.

It was received by Major Pike, who forwarded the papers immediately to the Governor at Boston, with the following addition: —

SALISBURY, June 28, 1689, about noon.

Much Honoured.

After due respect these are only to give your honours the sad accounts of the last nights providence at Cocheca, as by the enclosed, the particulars whereof are awful.

The only wise God, who is the keeper that neither slumbereth nor sleepeth, is pleased to permit what is done. Possibly it may be either better or worse than this account renders it.

As soon as I get more intelligence, shall, God willing, speed it to your honors, praying your speedy order or advice in so solemn a case. I have despatched the intelligence to other towns, with advice to look to yourselves. Shall not be wanting to serve in what I may. Should have waited on your honours now, had I been well. Shall not now come except by you commanded till this bustle be abated. That the only wise God may direct all your weighty affairs is the prayer of your honours' most humble servant.

ROBERT PIKE.

To the much honoured Syman Bradstreet, Esq. Govenour, and the Honoured Council now sitting at Boston, these present with all speed. Haste, post haste.

This paper is endorsed, —

"Received about 12 at night, upon Friday the 28th June."

The following answer was returned to Portsmouth : —

BOSTON, 29th June, 1689.

Gentlemen,—The sad account given by yourselves of the awful hand of God, in permitting the heathen to make such desolations upon Cocheca, and destruction of the inhabitants thereof, being forwarded by the hand of Major Robert Pike, arrived the last night about twelve o'clock: notice thereof was immediately despatched to our out towns, that so they may provide for their security and defence: and the narrative you give of the matter was laid before the whole Convention, this morning, who are concerned for you as friends and neighbors and look at the whole to be involved in this unhappy conjuncture and trouble given by the heathen, and are very ready to yield you all assistance as they may be capable, and do think it necessary that (if it be not done already) you would fall into some form or constitution for the exercise of government, so far as may be necessary for your safety, and convenience of your peace, and to intend such further acts as the present emergencies require—this Convention not thinking it meet, under their present circumstances, to exert any authority within your Province. Praying God to direct in all the arduous

affairs the poor people of this country have at present to engage in, and to rebuke all our enemies, desiring you would give us advice from time to time of the occurrences with you.

Gentlemen, your humble servant,

ISAAC ADDINGTON, *Secr'y.*

Per order of the Convention.

Dated as above said.

Voted by the Representatives in the affirmative.

Attest EBENEZER PROUT, *Clerk.*

Consented to by the Governor and Council 29th June, 1689.

ISAAC ADDINGTON, *Secr'y.*

For Messrs Richard Martyn,
Wm. Vaughan, Richard Waldron &c.
at Portsmouth, these with all speed.

This paper is endorsed,—

"Despatched upon Saturday the 29th of June '89, at 12 o'clock at noon."

Accompanying the above is the draft of a letter which we suppose was written by the Governor:—

Gentlemen,—We have read yours informing Gods sever humbling hand suffering the enemy with so much violence and rage to destroy and lay waste before them on so sudden a surprisal. We must all say the Lord is righteous: we have sinned. It is not as you well know, in our power to direct in your matters authoritatively, but as friends, and under our [one] prince, are ready, to our utmost to yield our assistance in helping you with ammunition or anything in our power, men or moneys. It remains with yourselves to meet and consider your own circumstances and put yourselves in such a way (if not so at present) as may accomodate the present emergency in the best manner ye may, and then let us know what you desire and we shall serve you to our power.

Our present circumstances do not advantage us to impress men, or levy money, but must do as we can. God help us all to humble ourselves under Gods mighty hands.

Aid was immediately dispatched to Cochecho, though no further attack was then made.

From Capt. Gerrish's Garrison at Cochechae, 5th *July,* 1689.

May it please your Honrs.

On Wensday evening Majr Appleton wth between 40 and 50 men (most of Ipswich) Arrived here accompaned with Major Pike and yesterday morning wth wt additional force we could make, marcht into the woods upon the track of the enemy abt 12 miles to make what Discovery they could, but returned in ye evening without any further Discovery Save ye dead body of one of the captive men they carried hence, nor since or last has any of the enemy been seen hereabout, the fear we shall not long be quiet but doubtless the main body are with drawn to a considerable distance.

We cannot but gratefully acknowledge yor honors Favour in taking such care for or relief and Assistance, & are bold heartily to pray the continuance of the same wth out wch we cannot possibly Subsist in or last wee humbly offerd or opinion of the necessity of a small pty of men whereby or people may be enabled to preserve their selves and cattle & the sd Souldiers ready upon any assault here or elsewhere to march to their assistance, wch wee are comonly too late for. Wee have obtained of Majr Appleton with his compa. (who wd not stay wth out him) to continue wth us at present (the rest being Volunteers wd be under no command & soe are all wth drawn) & must beg upon his removal another Supply else sd people will be utterly discourg'd & necessitated to quitt their Stations at last for or neighbrs hereabt can yield us noe assistance expecting daily ye Enemies assault on ym, soe are standing on their own Guard. We beg pdon for this trouble & remain

Much Honrd, yor most humble Servts

Wm Vaughan
Richard Waldron

The preceding letter is in Waldron's handwriting.

The following was from Major Appleton, commander of the soldiers sent to the relief of the Cochecho: —

Cochecho 14th July, 1689.

Much Honrd.

I have yors of 11th Inst where in you are pleased to advise (upon my removall) to leave the imprest men here under the conduct of Lift Greenleaf: now you may please to know yt of Imprest men here are only 10 from Salem and 6 from Rowley wch with the 20 that came last make but 36 and Mr Greenleaf not being here know not his inclination to this affair & should I leave these 36 they are

so ung[ov]ernable would Doe but little service, for Newbery men here are none those that came were Volunteers and forthwith more Willingly returned home. So that I humbly propose in order to serving the people that are here left to prserving the place that an addition of [34 ?] men to these 36 wth a Discreet conduct may suffice at present for this place, wch I beg yor Honrs to consider and faver me with an answer forth with for besides the afflicting Providence of God upon my family befor I came from hence in bereaving me of two children, I have just now advice of the death of a third together with the indisposition of my wife & the exterordinary illness of another of my children all which necessitates my hasting home, however I am so Disposed to the Defence of the countrey and the preservation of this place in order to it yt am very unwilling to give ye people of this place any Discouragement by my removal till I have yor Honors answer hereto wch I humbly pray you to hasten wth all expedition and if you se cause to send yor possetive order for the stay of these men of Salem & Rowley that were Imprest men, who are full of expectation of returning home wth me. As to the enemy we have had no appearance of any considerable number, but sundery skulking rougues are Daily Seen both here [,] at Kittery & Oyster River, or employment here hath been to range the Wods an to guard & assist the people in getting in their corn which we are still Daily psuing.

This wth my Humble service is all at Psent.

from your Humble servt.

SAMLL. APPLETON.

[Col. N. H. Hist. Soc., vol. iii. p. 43.]

Extracts from the Journal of Rev. John Pike, the fourth settled Minister of Dover, 1690.

"March 18. Salmon Falls was surprised by the Indians and French, just after the manner of Cochecho—(1689). The whole place was destroyed by fire; 27 persons slain, and 52 carried captive.

July 4. Seven persons were slain, and a lad taken at Lamprey River. July 5. The enemy advancing towards Exeter, set upon Hilton's Garrison, which Lt. Bancroft endeavoring to relieve, 8 or 9 of his men were slain. July 6. Captain Floyd fought the

enemy at Wheelwright's pond, but was forced to retire, with the loss of 16 men. July 7. The enemy came down upon Amesbury, took Capt. Foot alive, killed Philip Rowell, and two more.

Aug. 22. Phenehas Hull with his wife, and Robert Young, travelling betwixt York and Kittery, the said Young was killed by the Indians, and Hull's wife taken, but himself escaped.

Sept. 14. Amariscoggin fort taken on Sabbath day. Sept. 22. Fight at Mequoit near Casco, the enemy fled, after they had by surprise and ambushes slain and wounded 32 of our men; 8 of whom were killed, rest wounded.

1691.

January 25. Monday, ten o'clock in the morning, the Indians fell upon York, killed about 48 persons, whereof the Rev. Mr. Dummer was one, and carried captive 73.

Sept. 28. David Hamilton, Henry Childe, &c. were slain by Indians at Nuvichawannock. Sept. 29,—Many persons, to the number of 20 or 21 killed and carried away at Sandy Beach.

Some time in July or August, this year, the French and Indians came upon the English forces under the conduct of Capt. John March, Capt. Daniel King, Capt. Samuel Shelburne, &c. at a place called Mequoit, when most of the soldiers were gone aboard the vessels; the officers on shore had a sharp conflict with them, but were forced to retire on shipboard, with the loss of Capt. Sherburne and some others. Lt. John Allen was here wounded, with many more."

Commission of Gov. Samuel Allen, with Instructions, 1692.

WILLIAM *and* MARY, *by the Grace of God of England, Scotland, France and Ireland, King and Queen, Defenders of the Faith, &c.,*

To our trusty and well beloved SAMUEL ALLEN, *Esq.*, GREETING.

WEE reposing especial trust and confidence in the prudence, courage and loyalty of you, the said Samuel Allen, out of our especial grace and certain knowledge and mere motion, have thought fit to Constitute and Appoint, and by these Presents do constitute and appoint you, the said Samuel Allen, to be Our Governor and Commander-in-Chief of all that part of Our Province of New Hampshire, within Our Dominion of New England, in America, lying and extending itself from three miles northward of Merrimac River or any part thereof unto the Province of Maine, with the south part of the Isle of Shoals; and we do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the trust we have reposed in you, according to the several powers of directions granted or appointed you by this present Commission, and the Instructions herewith given you, or by any further powers or Instructions which shall at any time hereafter be granted or appointed you under our Signet or Sign manual, and according to such reasonable Laws and Statutes as now are or hereafter shall be made and agreed upon by you, with the advice and consent of Our Council, and the Assembly of our said Province and Plantation, under your Government, in such manner and form as is hereafter expressed. And we do hereby give full power to you, the said Samuel Allen, after you shall have first taken the oath for the due Execution of the office and trust of our Governor and Commander-in-Chief in and over our said Province of New Hampshire (which the said Council, or any five of them, have hereby full power and authority, and are required to administer unto you) to give and administer to each of the members of our said Council, as well the oaths appointed by act of Parliament to be taken instead of the oaths of Allegiance and Supremacy, as the test and Oath for the due Execution of their places and trust. And we do hereby give unto you full power and authority to suspend any of the members of

our said Council from sitting, voting, and assisting therein, if you shall find just cause for so doing; And Our will and pleasure is, that if, by the death, departure out of Our said Province, or Suspension of any of our said Councillors, there shall happen to be a vacancy in Our said Council, any five whereof we do hereby appoint to be a Quorum, we do hereby require you to certify us by the first opportunity of such vacancy, by the death, departure, suspension or otherwise of any of Our Councillors, that we may, under our Signet and Sign manual, constitute and appoint others in their room; and if it shall at any time happen that there are less than seven of them residing in our said Province, we do hereby give and grant unto you full power and authority to choose as many persons out of the principal freeholders, of the Council, inhabitants of our said Province, as will make up the full number seven, and no more; which persons, so chosen and appointed by you, shall be, to all intents and purposes, Our Councillors in Our said Province, till either they are confirmed by us, or until, by nomination of other Councillors by us by our sign manual and signet, the said Council hath above seven persons in it. And we do hereby give and grant unto you full power and authority, with the advice and consent of our said Council from time to time as need shall require, to summon and call assemblies of the freeholders within your Government, in such manner and form as by the advice of our Council you shall find most convenient for our service and the good of our said Province; and our will and pleasure is that the persons thereupon duly Elected by the major part of the freeholders, and being so returned and having before their sitting taken the oaths appointed by act of Parliment, to be taken instead of the oaths of allegiance and supremacy, and subscribed the test which you shall commissionate fit persons under the Public seal to administer, and without taking and subscribing none shall be capable of sitting though elected, shall be called and held the Assembly of our said Province; and that you, the said Samuel Allen, by and with the advice and consent of our said Council and Assembly, or the major part of them respectively, have full power and authority to make, constitute and ordain Laws, Statutes and Ordinances for the public Peace, welfare and good government of our said Province and Plantation, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of our Heirs and successors, which said Laws, Statutes and ordinances are to be (as near as may be), agreeable to the Laws and Statutes of this Our Kingdom of England.

Provided, That all such Statutes and Ordinances, of what

nature or duration soever, be, within three months, or sooner after the making of the same, transmitted unto us, under the Public Seal for Our Approbation or disallowance of them, as also Duplicates thereof by the next conveyance; and in case all or any of them, being not before confirmed by us, shall at any time be disallowed and not approved, and so signified by Us, our Heirs and Successors, under our or their Signet or Sign manual, or by our or their Privy Council, unto you, the said Samuel Allen, or to the Commander-in-Chief of our said Province for the time being, then such, or so many of them as shall be so disallowed, and not approved, shall, from thenceforth cease, determine, and be utterly void and of none effect, anything to the contrary thereof in any wise notwithstanding. And to the end nothing may be passed or done by the said Council or Assembly to the prejudice of Us, our Heirs and successors, we will and ordain that you, the said Samuel Allen, shall have and enjoy a negative voice in the making and passing of all Laws, Statutes and Ordinances as aforesaid; and that you shall and may likewise from time to time, as you shall judge it necessary, prorogue and dissolve all General Assemblies as aforesaid; and Our will and pleasure is, that you may and shall keep and use the public Seal appointed by us for that, our Province; and we do further give and grant unto you, the said Samuel Allen, full power and authority from time to time, and at all times hereafter, by yourself or by any other, to be Authorized by you in that behalf to administer the oaths appointed by act of Parliment to be given instead of the oaths of allegiance and supremacy, to all and every such person or persons as you shall think fit, who shall at any time or times pass into your said Province, or shall be resident or abiding there. We do hereby give and grant unto you full power and authority to erect, constitute and establish such and so many Courts of Judicature and public justice within Our said Province, as you and they shall think fit and necessary for the hearing and determining of all cases, as well Criminal as Civil, according to Law and equity, and for awarding of Execution thereupon with all reasonable and necessary powers and authorities, fees and privileges belonging unto them.

And we do hereby authorize and impower you to constitute and appoint Judges, Justices of the Peace, Sheriffs and other necessary officers and ministers in our said Province for the better administration of justice and putting the laws in execution, and to administer or cause to be administered such oath or oaths as are usual for the due execution and performance of Offices and places of trust and for the Clearing of truth in Judicial Causes. And,

whereas we do judge it necessary that all our subjects may have Liberty to appear to our Royal Person in Causes that may deserve the same, Our will and pleasure is, that if either party shall not rest satisfied with the judgment or sentence of the Superior Court of Our said Province, they may then appeal unto Us in Our Privy Council. *Provided* the matter in difference exceeds the real value and sum of one hundred pounds Sterling, and such Appeal be made within one fortnight after sentence, and that security be likewise duly given by the Appellant to answer such charges as shall be awarded in case the first sentence shall be confirmed; and provided also that execution be not suspended by reason of any such appeal unto Us. And We do hereby give and grant unto you full power and authority, where you shall see cause, and thereupon shall judge any offender or offenders in criminal matters, or for any fines or forfeitures fit objects of Our mercy, to pardon, remit all such offences, fines and forfeitures before or after sentence given—Treason and wilful murder only excepted—in which Causes you shall likewise have power, upon extraordinary occasions, to grant reprieves to the offenders therein, until and to the intent Our pleasure may be known therein; and we do hereby give and grant unto you, the said Samuel Allen, by yourself, your Captains and Commanders by you to be authorized to levy, arm, muster, command or employ all persons whatsoever residing within Our said Province of New-Hampshire as occasion shall serve, to transfer from one place to another for the resisting and withstanding of all enemies, Pirates and Rebels, both at Land and Sea; and we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, to erect, raise and build, in our said Province, such and so many Forts and Platforms, Castles, Cities and burroughs, Towns and Fortifications as, by the advice aforesaid, shall be judged necessary; and the same or any of them to fortify and furnish with Ordnance, ammunition, and all sorts of arms fit and necessary for the security and defence of our said Province; and, by the advice aforesaid, the same again or any of them to demolish or dismantle, as may be most convenient.

We do hereby give and grant unto you, the said Samuel Allen, full power and Authority to erect one or more Courts, or Courts of Admiral, within our said Province, for the hearing and determining all marine and other Causes and matters proper to be heard therein, with all reasonable and necessary powers, authorities, fees and privileges, as also to exercise all powers belonging to the place and office of Vice-Admiral of and in all the Seas and Coasts belong-

ing to your Government, according to such commission, authority and instructions as you shall receive from Us, under the Seal of Our Admiralty, or from Our High Admiral or Commissioners for Executing the office of our Lord High Admiral of Our Foreign Plantations for the time being. And we do hereby give unto you full power to appoint Fairs, Marts, and Markets within Our said Province, as you, with the advice of our said Council, shall think fit, and to order and appoint such and so many Ports, Harbors, Bays, Havens and other places, for the Convenience and Security of Shipping, and for the better loading and unloading of goods and merchandises in such and so many places as by you, with the advice and Consent of our said Council, shall be thought fit and convenient, and in them or any of them to erect, nominate and appoint Custom Houses, Ware-Houses and officers relating thereunto, and them to alter, Change, place or displace, from time to time, as with the advice aforesaid, shall be thought fit. And we do hereby require and command all officers and ministers, civil and military, and all other inhabitants of our said Province to be obedient, aiding and assisting unto you, the said Samuel Allen, in the Execution of this our Commission, and of the powers and authorities therein contained; and in case of your death or absence out of the said Province, unto our trusty and well beloved John Usher, Esq, our Leftenant Governor, or to the Commander-in-Chief of our said Province, for the time being, to whom we do therefore, by these presents, give and grant all and singular, the powers and authorities aforesaid to be executed and enjoyed by them respectively during our pleasure, or until your arrival within Our said Province. And if upon such death or absence there be no person upon the place commissionated by us to be Commander-in-Chief, our will and pleasure is, that the then present Council of New Hampshire do take upon them the administration of the Government, and to execute this Commission of the several powers and authorities herein Contained, and that such Councillor who shall be at the time of your death residing within Our said Province of New Hampshire, and nominated in Our Instructions to you before any other at that time residing there, do preside to Our said Council, with such powers and Pre-eminences as any former President hath used and enjoyed within Our said Province, until Our pleasure shall be known therein or your arrival as aforesaid.

Lastly. We do hereby ordain and appoint that you, the said Samuel Allen, shall and may hold and execute and enjoy the Office and place of Our Governor and Commander-in-Chief in and

over our Province and Plantation of New Hampshire, together with all and singular the powers and authorities hereby granted unto you for and during our Pleasure. Provided always, that nothing herein contained shall be taken or construed to derogate from or to alter or diminish any the powers or authorities granted by Our Commission under the Great Seal of England, bearing date the twelfth day of December last to our trusty and well beloved Sir William Phipps, Knt. or to our Leftenant Governor of our province of the Massachusetts Bay in reference to the Militia and the forts and places of strength within Our said province of New Hampshire, so as nevertheless that neither the said Sir William Phipps nor our said Leftenant Governor shall take upon him and themselves to suspend any officer appointed by us or you in pursuance of this our Commission to any Commander in the militia or Government of any forts or places of strength within our said Province, except for misbehavior in which case he or they may proceed to suspend or displace any such officer giving us a speedy account of his or their proceedings therein.

In Witness whereof we have caused these our Letters to be made Patents: Witness ourselves at Westminster the first day of March, in the fourth year of our Reigne.

Per Breve de Privato Sigillo, Dupt.

CHUTE.

Governor Allen's Instructions.

[From a copy in Secretary's office.]

MARIE R.

Instructions for our trusty and well-beloved Samuel Allen, Esq., Our Governor and Commander-in-Chief, in and over Our Province of New Hampshire, within Our Dominion of New England, in America, and in his absence, to the Commander-in-Chief of our said Province for the time being:

With these instructions, you will receive Our Commission under Our Great Seal of England, constituting you Our Governor and Commander-in-Chief of all that part of Our Province of New Hampshire, within Our Dominion of New England, in America, lying and extending itself from three miles northward of Merrimack River, or any other part thereof, unto the Province of Maine, with the South part of the Isle of Shoals; where, being arrived, you are forthwith to call together the members of Our Council for that Our Province, by name, John Usher, Esq., Our Lieutenant-Governor of Our said Province; John Hinks, Nathaniel Fryer, Thomas Grafford, Peter Coffin, Henry Green, Robert Elliot, John Gerrish, John Walford, and John Low, Esqrs; at which meeting, after having published, in the usual manner Our said Commission Constituting you Our Governor and Commander-in-Chief of Our said Province, you shall take yourself, and also administer unto each of the members of Our said Council as well the Oaths appointed by Act of Parliment to be taken instead of the Oaths of Allegiance and Supremacy as the Test, and the Oath for the due execution of their places and trust. And you are to communicate unto Our said Council, from time to time, such and so many of Our Instructions as you shall find convenient for our service to be promulgated unto them.

Our Will and Pleasure is, that the members of Our Council shall and may have and enjoy freedom of debate and freedom in all things to be debated of in the Council; and although, by Our Commission aforesaid, we have thought fit to direct that any three of Our Council make a Quorum, it is, nevertheless, our will and pleasure that you do not act with a Quorum of less than five members, except upon extraordinary emergencies.

And that We may be always informed of the names and characters of persons fit to supply the vacancies of Our said Council, you are to transmit unto us by one of our principal Secretaries of

State, and to the Lords of Our Privy Council appointed a Committee of Trade and Plantations, with all convenient speed the *names and characters* of six persons, inhabitants of Our said Province, whom you shall esteem the best qualified to succeed in that, and so, from time to time, when any of them shall die, depart out of that Our said Province, or become other ways unfit, you are to nominate so many other persons to us in their stead.

And in the choice and nomination of members of Our said Council, as also of the principal Officers, Judges, Assistants, Justices and Sheriffs, you are Always to take care that they be men of Estate and ability, and not necessitous people, or much in debt, and that they be persons well affected to our Government. You are not to suspend the members of Our Council Without good and sufficient cause, and in case of suspension of any of them You are forthwith to transmit unto us, as aforesaid, and to Our Committee for Trade and Plantations, your reasons for so doing, together with the charges and Proofs against the said persons, and their answer thereunto. You are, from time to time, to send unto us and to Our said Committee, the names and qualities of any members, by you put into Our said Council by the first conveniency after your so doing. You are to transmit authentic copies, under the Public Seal, of all Laws, Statutes and Ordinances, now in force, or which at any time shall be made and enacted within Our said Province, unto us, and Our Committee aforesaid and foreign Plantations, within three months, or sooner after their being enacted, together with all Duplicates thereof, by the next conveyance, on pain of our highest displeasure, and the forfeiture of that your salary, wherein you shall at any time, upon any pretence whatsoever, omit to send over the said Laws and Ordinances aforesaid, within the time above limited.

You shall take care that the members of the Assembly be elected only by freeholders, as being most agreeable to the custom of England, to which you are, as near as may be, to conform yourself. And you shall reduce the Salary of the members of the Assembly to such a moderate proportion as may be no grievance to the country; wherein, nevertheless, you are to use your discretion, so that no inconveniency may arise thereby.

You are to take care that no man's life, member, freehold, or goods, be taken away or harmed in Our said Province, but by Established and Known Laws, not repugnant to, but, as much as may be, conformable to the Laws of our Kingdom of England.

You shall administer or cause to be administered the Oaths appointed by Act of Parliment to be taken instead of the Oath of

Allegiance and Supremacy, as also the test, unto the members and officers of Our Council and Assembly, all Judges and Justices, and all other persons that hold any office in Our said Province by virtue of any Patent under our great Seal of New-Hampshire; and you are to permit liberty of conscience to all persons except Papists, so there be a quiet and peaceable enjoyment of it, not giving of scandal to the Government. You are not to pass any Act within that Our Province, in any case, for Levying money and inflicting fines and penalties, whereby the same shall not be reserved to Us for the Public use, as by the said Act or order shall be directed. And We do particularly require that no money or value of money whatsoever be given or granted by any act or order of Assembly to any Governor, Lieut. Governor or Commander-in-Chief of our said Province, that shall not, according to the style of Acts of Parliment in England, be mentioned to be given and granted unto us, with the humble desire of such Assembly that the same be applied to the behoof of such Governor, Lieutenant-Governor or Commander-in-Chief, if We shall so think fit, or if We shall approve of such gift or application that the said money or value of money be then disposed and appropriated to such other cases as, in the said Act or order, shall be mentioned; and that from the time the same shall be raised it remain in the hand of the Receiver of that Our Province, until Our Royal Pleasure shall be known therein. Our will and pleasure is that all Public moneys, raised or to be raised within Our said Province of New-Hampshire, for the care and support of the Government there be issued out by Warrant from you by and with the advice and consent of the Council and not otherwise. You are from time to time to permit the Assembly to view and examine Accounts of money or value of money disposed of by virtue of such Laws as are now in force, or shall be passed by them, which you are to signify unto them as occasion shall serve.

Our express Will and Pleasure is that all Laws whatsoever for the good Government and support of Our said Province be made indifferent and without limitation of time, except the same be for a temporary end, and which shall expire and have its full effect within a certain time. And therefore you shall not re-enact any law which shall once be enacted by you, except upon very urgent occasions, But in no case without Our express consent. You shall not remit any fines or forfeitures whatsoever above the sum of ten pounds before or after sentence given, nor dispose of any fines or forfeitures until after signifying unto Our Committee of Trade and Plantations and to the Commissioner of Our Treasury for the

time being, the nature of such offence or occasion of such fines, forfeitures or Escheats, with the particular sums you shall have received our direction therein. But you may, in the mean time, suspend the payment of the said fines and forfeitures. You shall not permit any Act or order to pass within Our said Province whereby the price or value of current money within your Government may be altered without Our particular leave or direction therein; and you are particularly not to pass any Law or do any Act, by grant, settlement or otherwise whereby our Revenue may be lessened and impaired without Our especial leave or command therein. You are to require the Secretary of Our Province, or his Deputy for the time being, to provide Transcripts of all such Acts and Public Orders as shall be made from time to time, together with a copy of the Journal of the Council, to the end the same may be transmitted unto Us, as above directed, which he is duly to perform upon pain of incurring the forfeiture of his place. You shall not displace any of the Judges, Justices, Shirriffs or other officers or ministers within Our said Province without good and sufficient cause, to be signified unto Us and our Committee of Plantations; nor shall you execute yourself or by Deputy, or any of the said officers, nor suffer any person to execute more offices than one by a Deputy. You shall not erect any Court or office of Judicature, not before erected or established, without Our especial Order, And you are to transmit to Us, with all convenient speed, a particular Account of all establishments of Jurisdictions, Courts, Offices and Officers, powers, authorities, fees and privileges granted or settled within Our said Province, to the end you may receive Our especial direction therein. You shall likewise take a special care, with the advice and consent of Our said Council, to regulate all salaries and fees belonging to places or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made upon any occasion whatsoever. You are to take care that drunkenness and debauchery, swearing and blasphemy, be severely punished, and that none be admitted to public trust and employment whose ill fame and conversation may bring scandal thereupon. You shall take care that all Planters and Christian Servants, be well and fitly provided with arms, and that they be listed under officers; and when and as often as you shall think fit, mustered and trained, whereby they may be in a better readiness for the defence of Our said Province under your Government.

You are to take especial care that neither the frequency or reasonableness of remote marches, musters and Trainings be unnecessary impediments to the Affairs of the Planters. In case of

distress of any Our Plantations you shall, upon application of the respective Governor to you, assist them with what aid the condition and safety of your Government will require. You shall cause a survey to be taken of all the considerable places and Harbors in Our said Province, and, with the advice of Council, erect in any of them such fortification as shall be necessary for the security and advantage of our Province, which shall be done at the Public charge of the Country, not doubting of your full concurrence of the Inhabitants thereunto from the common security and benefit they receive thereby.

You shall take an Inventory of all arms, ammunition and stores remaining in any of Our magazines or Garrisons in Our said Province, and send an account yearly of them to Us by one of Our principal Secretaries of State unto Our Committee of Trade and Plantations. You are to take especial care that fit Store-houses be settled throughout Our Province for receiving and keeping of arms, ammunition, and other public Stores, that We may be the better informed of the Trade of our said Province. You are to take care that due entries be made, in all Ports, of all goods and commodities imported or exported from thence; And from and to what places they come and go, and that a yearly account thereof be transmitted by you unto Us by one of Our principal Secretaries of State, and to our Committee for Trade and Plantations. You are to suppress the engrossing of commodities, and to settle such orders and regulations therein, with the advice of Our Council, as may be most acceptable to the inhabitants. You are to give all due encouragement and invitations to merchants and others who shall bring trade unto Our said Province, or any ways contribute to their advantage, and in particular to the Royal African Company. And you are to take care that there be no trading from New Hampshire to any place in Africa within the charter of the Royal African Company. And you are not to suffer any ships to be sent thither without our leave and authority.

You are carefully to observe all the Articles contained in the Treaty for the composing of differences and the establishing of Peace in America, concluded at Madrid the 8th day of July, 1670, with the Crown of Spain; and in case any private Injury or damage shall be offered or done to any of our subjects in those parts, by any of the subjects of the King of Spain, or of any other Prince or State in Amity with Us, you shall take care to give Us an account with all convenient speed by one of Our Principal Secretaries of State, and to our Committee for Trade and Plantations, and not to permit or encourage reparations to be sought in

any other way than what is directed and agreed in the said Articles of Madrid, and other treaties; and you are particularly not to grant commissions of War, or reprisals against any Prince or State, or their subjects in Amity with Us, to any person whatsoever without Our especial Command.

You are not to admit or allow of any Appeals what soever to be made from the Governor and Council unto the Assembly, but whereas We judge it absolutely necessary that all Our subjects may have liberty to appeal unto Us in cases that may deserve the same, Our will and pleasure is, that if either parties shall not rest satisfied with the Judgment and sentence of Our Governor or Commander-in-Chief and Council, they may then appeal unto Us in Our Privy Council; *Provided*, the matter in difference exceed the real value or sum of one hundred pounds sterling, and that such appeal be made within one fortnight after sentence, and security first given by the Appellant to answer such charges as shall be awarded in case the sentence of our Governor or Commander-in-Chief and Council be confirmed; *provided*, also, that execution be not suspended by reason of any such appeal unto Us. And inasmuch as it may not be fit the appeals be so frequently and for so small a value brought unto Our Governor and Council, you shall therefore, with the advice of the Council, propose a law to be passed wherein the method and limitation of Appeals unto Our Governor and Council may be settled and restrained in such manner as shall be found convenient and easy to our Subjects in our said Province. You shall endeavor to get a Law passed for the restraining of inhuman severities which by ill masters or overseers may be used towards their Christian Servants or Slaves, and that provision be made therein that the willful killing of Indians and Negroes be punished with death, and that a penalty be imposed for the maiming of them. You are also, with the assistance of your Council and Assembly, to find out the best means to facilitate and encourage the conversion of Negroes and Indians to the Christian Religion. You are to recommend to Our Council and Assembly the raising a stock and building of Public work-houses in convenient places for the imploying of poor and indigent people.

And forasmuch as great inconveniences may arise by reason of the liberty of Printing within Our Province of New Hampshire, you are to provide by all necessary orders, that no person use any Press for Printing upon any occasion what soever without your special Licences first Obtained. Lastly: — If any thing shall happen that may be of advantage or to Our said Province which is not herein or by our Commission for, We do hereby

authorize and direct you with the advice and consent of Our Council to take order for the present therein given by one of Our principal Secretaries of State, and the Lords of Our Privy Council, appointed a Committee for Trade and foreign Plantations speedy advice thereof, and of all your proceedings and the condition of affairs within your Government for our information and direction, provided always you do not by color of any Power or Authority hereby given you, commence or declare War without Our Knowledge or Command therein, except it be against Indians upon emergencies, wherein the Consent of Our Council shall be had, and speedy notice thereof given unto Us.

Given at Our Court at Kensington, the seventh day of March 169½, in the fourth year of Our Reign.

By His Majesties Cómmand.

NOTTINGHAM.

MINUTES OF COUNCIL,

UNDER THE ADMINISTRATION OF LIEUT.-GOV. JOHN USHER,

1692–1696.

Note by the Editor.

[The following "MINUTES OF COUNCIL," with other papers were copied, chiefly, from a MS. volume in the office of Secretary of State, labelled "PROVINCE RECORDS, BOOK II., COUNCIL 1692–1700." A portion also, as will be seen, was copied from MS. volume, "BOOK I." No other record of the COUNCIL's proceedings, from August 13, 1692, to November 3, 1696, can be found. These "Minutes" appear to be original or first notes taken by the clerk of Council, and are generally without signature. They embrace nearly the whole period of Lieut.-Governor JOHN USHER's administration. The letters and speeches of Mr. Usher, herein contained, are usually in his own handwriting, and are singularly characteristic of the man.*]

* "JOHN USHER was a native of Boston, and by profession a stationer. He was possessed of a handsome fortune, and had been employed, when in England, by Massachusetts, to negotiate the purchase of the Province of Maine from the heirs of Sir Ferdinando Gorges. He thus acquired a taste for land speculations; became one of the partners of the million purchase [see Farm. Belk., p. 116], and had sanguine expectations of gain from that quarter. On the consolidation of the New-England Provinces in 1685 [see vol. i. pp. 590–593], he accepted office under Dudley, and next under Andros, whose downfall he subsequently shared. He thereupon proceeded to England with his complaints; and SAMUEL ALLEN, a London merchant, having purchased, soon after, the title of the Masons to New-Hampshire, and obtained a commission for the government of that Province, appointed his son-in-law, Usher, his deputy. The latter assumed the government on the 13th of August, 1692. He continued, however, to reside and carry on his business at Boston, occasionally visiting his Province. His administration was by no means either pleasant to himself or agreeable to the people. He died at Boston, 5th of September, 1726, aged seventy-eight years."—[See N. Y. Col. Doc., vol. iii. p. 365.]

Belknap says of him (Usher): "Though not ill-natured, but rather of an open and generous disposition, yet he wanted those accomplishments which he might have acquired by a learned and polite education. He had but little of the statesman, and less of the courtier. Instead of an engaging affability, he affected a severity in his deportment, was loud in conversation and stern in command. He gave orders, and found fault, like one who felt himself independent, and was determined to be obeyed. He had an high idea of his authority, and the dignity of his commission; and when opposed and insulted, as he sometimes was, he treated the offenders with a severity which he would not relax till he had brought them to submission. His public speeches were always incorrect, and sometimes coarse and reproachful." It may be added, that the majority of his Council were men of such sterling sense and stern integrity, that he could not make them bend or bow to his arbitrary dictation. The record of his administration is full of interest.—ED.

B. II. p. 1.

Province of New Hampshire.

Great Island, August ye 13th 1692.

By the Liftenant Governour

Ordered,

That all officers, Civil and Millitarey, continue in theire respective places untill others are appointed.

Ordered,

That all Acts of or relating to publick Revenue do continue as aforesaid.

Ordered,

That all Constabells seize and apprehend all seamen travelling upon the Roade without a sufficient pass; and that whosoever shall entertaine harbour or conceale any seaman or seamen without the foresaid pass, either in whriting or print, without express Liberty given or granted from theire respective Captains or other Commissionate officer, shall be proceeded against according to order, and to make good whatsoever dammage, loss or dettrement may in any way accrue or beefall to his Majesty's service thereby.

B. II. p. 2.

Piscataqua, 12th Sept. 1692.

Present

Jno. Hincks Esqr.
Nathan^l Fryer, Esqr.
Robt. Elliott, Esqr.
——— Green, Esqr.
Peter Coffin, Esqr.

Y^e Lt. Governor made a reportt of his journey to Boston, & read what he lefft with the Governor & Council.

All to make entry's in the Custom House.

None to pass ye Fort without a Pas.

Thatt Strawberry Bank, Dover, Hampton, send 3 Representatives; Exeter 2; Isle a Shoales, 1.

Exeter—Jonathan Thing, Capt.; Kinsley Hall, Lt.; Peter Foulsam, Ens.

Hampton—Henery Dow, Capt.; Jno. Smith, Lt.; Jno. Moulton, Insig.; Mr. Penny, Clark to the Courts.

Isle a Shoales—Jno. Fabes, Justice Peace & Capt.; James Blagdon, Lt., Thomas Dymond, Ensign.

B. II. p. 3.

20th Sept. 1692.

Oyster River—Jno. Woodman, Capt., James Davis, Lt., Stephen Joanes, Ensign.

Dover—Jno. Tuttle, Capt.; Wm. Furber, Lt.; Robertt Ivens, Ensign.

Strawberry Bank—Jno. Pickerin, sen. Capt.; Lt , Tobias Langdon; Ensign, ——— ———; Mr. Richard Jose, Sheriff.

That a person be agreed wth for providing carages for the guns sint by ye King, and yt Jno. Hincks, Robert Elliott, Esqrs. be joined wth ye Treasurer to agre for ye same, and itt be done outt of hand.

That ye Treasurer issue out warrants to every town for the vintners and ale houses to a gre with ye Treasurer, and to have licens according to law; The Treasurer to repair the fortt-house at Great Island; Mr. Penne to be clarck to ye Council; Richard Waldren, Richard Martin, justice Peace.

That all of ye Council have power as Justice of Peace in ye whole Province.

Capt. Stileman, Justice Peace for Greatt Island.

That Chouse* be sentt to answer Contempt.

Saltt and ship, &c. to be disposed of by ye Treasurer, and mony to remain in ye Treasurer's hand untill ye King's pleasure be known.

Thatt ye bounds of ye Town be asserted according to former custom in Governor Cranfield's time, and according to comission.

That ye Treasurer take care to provid place for ye Governor & Council to meet in with the General Assembly.

B. II. p. 4.

At a Council held at Portsmouth, the 29th day of September, 1692.

Present

The Lieut. Governor,

John Hincks, Nathanll Fryer, Robert Elliott } Esqs.

Peter Coffin, Henry Green } Esqs.

Upon reading of the letter of Jsa Addington, Esq. Sec'y. of their Maj'ties' Province of the Massachusetts Bay, in answer to a motion made by the Lieut. Governor, in pursuance of an order of this Board, of the 15th day of August last;—It is ordered that the Secr'y of this Province signify to his Excely the Governr of the Massachusetts Bay that they have taken notice of the promise of the returne of the men at the Eastward belonging to this Prov-

* Chownes. See next page.

ince, and of lending 7 barrels of powder to this Province, and that the Secr'y issue forth an order for the receiving of the same and passing a receipt accordingly.

Upon application made to his Honor the Lieut. Gove^{r}, by William Partridge, Esq. Treasurer & Receiver-General of this Province, that he was chosen constable for the toun of Portsmouth — which is in prejudice of his office — It is ordered, that the Sherriffe of this Province give notice to the inhabitants of this toune, tomorrow, that they make a new election of another meet person to be Constable in the room of the said Wm. Partridge.

Ordered, That the Fort-house upon Great Island be forthwith repaired, & carriages made for the great guns there; and that notice thereof be given by the Sec'y to Mr. Wm. Partridge, treasurer, to put the same in Execution imediately.

Ordered, That Joseph Chownes bring his shallop, the Gift, over to Great Island with all convenient speed, having been seized by the deputy collector for not entring his vessel with him according to law.

It is advised, That whereas Nathl. Wear, Esq. one of their Maj'ties' Council for this Province, being out of the same, and there not being seven of the Council according to their Maj'ties Lres-Patents; that William Vaughan, Richd Waldron, Esqrs. be added to the Council, pursuant to the said Lres-Patents, and for the emergency of affairs at this juncture occasioned by the French and Indian enemys.

Upon complaint made to this Board that Paul Millard had passed the Fort without the permitt of the Lieut. Govern^{r}, and his vessel thereupon seized, upon his submission on his Examination, it is hereby ordered, That his sloop be released from the said seizure and permitted to unload, upon entring his s^{d} sloope with the Collector, according to custom & paying of fees.

B. II. p. 5.

September 30th 1692.

In pursuance of an order of his Honor the Lieut. Govern^{r} and Council of the Province of New Hampshire, of the 15th of August last, upon this day I made demand of Capt. Pickering, (at his house in Portsmouth in the prsence of Richd Jose, Esq. high sherriffe of the Province afores^{d}) of the books of Laws and Records in his hands belonging to this Province, to be secured by me; but s^{d} Capt. Pickering then & there positively denyed to deliver the same.

THO: NEWTON *Secr'y.*

B. II. p. 6.

Province of New Hampshire.

At a Council held at Great Island, the third day of October, 1692,

Present,

The Lieut. Governor,

John Hincks, Nathan[l] Fryer, Rob[t] Elliott } Esqs. William Vaughn, Rich[d] Waldron } Esqs.

Ordered, That the General Assembly be held at Strawberry-banck, at the house of Mr. Rhines, the discharge of the use thereof to be allowed upon the publique acc[t]; and that the sherriffe cause the said house to be prepared fitt for that service, and a meet person to attend both houses as occasion shall require.

The Lieut. Gov[r] made a report to this Board, That in pursuance of an order of his Honor and Council of the 29th day of September last, to add Wm. Vaughan & Rich[d] Waldron, Esqs. to the Council, that the same day they accepted thereof, and he administered the oaths to them accordingly.

Upon a report made to this Board by the Lieut. Gov[r]. that the soldiers in this Province belonging to the Massachusetts Bay would be shortly drawn off hence, it is hereby Ordered, That a Letter be forthwith written to the Govern[r]. and Council of that Province, that the necessity of the s[d] soldiers residing here this winter is as great as ever; and therefore desire that they may be so continued as hitherto they have been; and that 60 more may be added, desposed of for the best defence of this Province both by sea & land.

Moved by the Lieut. Govern[r]., that Capt. Pickering denyeing to obey the order of this Board, of the 15th of August last, in not delivering the books of Laws and Records to the Secr'y, some course might be taken therein:

It is hereby Ordered, That the sherriffe of this Province give notice to the s[d] Capt. Pickering, that he appear before the Lieut. Gov[r] and Council at Strawberry-banck, tomorrow at 11 of the clock in the aforenoon of the same day at the Council chamber, there to answer the said contempt.

Ordered, That Mr. Michael Perry have an order sent him from this Board for the receiving of 7 barrels of powder to be sent by the Gov[r] of the Massachusetts Bay for their Maj'ties' service here, and that he give a receipt for the same accordingly.

B. II. p. 8.

Province of New Hampshire.

At a Council held at Portsmouth the 4th day of October, 1692,

Present,

The Lieut. Governor,

John Hincks	Esqs.	Peter Coffin	Esqs.
Nathanl Fryer		Wm. Vaughan	
Robt Elliott		Richd Waldron	

The oaths of a privy Councilor were administered to each of the said Council this day as followeth: You do swear, &c.

Capt. Pickering appearing before this Board to answer to his contempt in not delivering the books of Laws & Records, the Lieut. Governor demanded by what authority he had received them, or if he had any commission for his soe doing, and by what authority he now detaines them: to which he replied, *They were delivered to him by the people,* and he detained them till the meeting of the Assembly.

Ordered, That the sd books of Laws & Records now in the hands of the sd Capt. John Pickering, be delivered and received by Mr. Tho. Newton, Secy. of this Province, to be preserved and secured by him for the use of the inhabitants thereof.

Upon the humble petition of Mr. J. C., master and owner of the shallop, Gift, to have her freed from her seizure for not entring in the custom here according to Law, pleading wt was omitted by him was thro Ignorance:

It is hereby ordered, That the sd Joseph Chownes, pay to the Capt. of the Fort 13s. 4d. for the shotts fired at him for not obeying command: and alsoe pay to the deputy collector the charge of the seizure and other expenses about sd vessel by him justly laid on; that the seizure be taken off and the sd shallop permitted to goe about the lawful occasions of the sd J. C.

B. II. p. 9.

At a Council held at Portsmouth, the 5th day of October, 1692,
Present
The Leiut. Governour,

John Hincks	Esqs.	Henry Green	Esqs.
Nathanl. Fryer		Wm. Vaughan	
Robt Elliott		Richd. Waldron	
Peter Coffin			

Ordered, That the Treasurer advance the Sum of 15 lb. to be drawne out of his hands, for the service of the country, as he shall from time to time be ordered by the Leiut. Governor.

Ordered, That Capt Volear [?] be desired to lend as many hands as he can spare to raise the great guns at the Fort, & to doe other things that may be for the service of their Maj'ties' and the defence of the Fort; and that the Leiut. Governr allow something for a gratuity to the men for the same, to be defrayed out of the publick revenue.*

* The preceding "Minnitts of Council," from the 29th of September to the 5th of October, 1692, are in the handwriting of Thomas Newton, Secretary. — Ed.

Custom-House Returns.

The following papers are valuable as showing the coasting trade carried on in the Province in 1692: —

CUSTOM HOUSE in New Hampshire } *Clearings Outward.* *Coasting Vessells from Port to Port.*

Portsmouth in New England, 18th August, 1692.

Boston.

James Flood Commr. of the sloop John and Abigaile of Boston, of twenty tunns burthen or thereabouts, with no gunns, navigated with two men, Plantation built, cleareth for Boston, having these goods following on board, viz:

Twenty barls. of traine oyle, sixty Quinls. and one hhd of fish, four bundles, six parcells, three truncks, one large chest, five barrls., two halfe barrels, one teirce, two boxes, two anchors, two bags, one casque cheese, two bayles, one trunck, one small p'cell, one drum casqe, one dry-ffat, eleven boxes, two parcell of haberdashery, one piece serge, sixty bundles of pinns, two pieces of silks, fifteen pounds silk, four parcells buttons & galloons, four cheeses, a parcel of bedding and divers small p'cells of English goods.

Boston. September 25th.

John Jackson, Commandr. of the sloop the Builder's Adventure, of Boston, twenty tunns burthen or thereabouts, with no gunns, navigated with two men, Plantation built, cleareth for Boston, having on board twelve thousand of wht. oake staves, one thousand foot of Pine boards.

Boston. September 30th.

Humfrey Horrill Commdr of the sloop Sea Flower of Beverly, twenty tunns burthen or thereabouts, wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board six thousand of red-oake hhd staves, three thousand foot of Boards.

Boston.

Paul Miller, Commdr. of the sloop Endeavor, of Boston, twenty tunns burthen or thereabouts, wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board three tunns and a halfe of Rigging, eleven thousand of hhd. staves, and fifty quinls. of fish.

Boston.

Benjamin Bagway, Comm^{dr}. of the sloop Pellican of Boston, twenty tunns burthen or thereabouts, wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board twelve barr^{s}. of traine oyle, three hundred Quin^{ts}. of fish.

Boston.

Joseph Corvell, Comm^{dr}. of the sloop Endeavor of Exeter, twenty tunns burthen or thereabouts wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board six thousand of Pipe staves, four hundred foot of Pine planks.

Boston.

John Wells, Comm^{dr}. of the sloop Discretion of Boston, twenty tunns burthen or thereabouts, wth two *Peterreros*, navigated wth two men, Plantation built, cleareth for Boston, having on board - - - - teen thousand six hundred hhd staves.

Boston. October 5th. 1692.

Joseph Chownes, Comm^{dr}. of the shallop Gift, of Boston, of fifteen tunns burthen or thereabouts, with noe gunns, navigated wth two men, and Plantation built, cleareth for Boston, having on board seven thousand of white Oake staves, eight hundred foot of Pine boards.

Boston.

Samuel Hill, Comm^{dr}. of the sloop Fryall of Boston, of twenty tunns burthen or thereabouts wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board five thousand foot of Pine boards, eleven thousand of white-oake staves, two jars of sweet Oyle, three hundred weight of cheese.

Nantuckett. October 13.

Benjamin Bagworth, Com^{dr}. of the sloop Pelican of Boston, 20 tuns burthen or thereabouts, wth no gunns, navigated with two men, Plantation built, cleareth for Nantuckett, having on board 10.000 foot of Pine boards, two hhds. fourteen bbls. of apples and Sider, one hhd. of Molasses and 50 oares.

Boston.

Job Alcocke Com^{r}. of the sloop Hopewell of Yorke, of 20 tunns burthen or thereabouts, wth no gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board 13.000 of staves, two trunckes, two chests wearing apparell.

Boston. October 14th.

Paul Miller, Com^{r}. of the sloop Endeavor of Boston, of 20 tunns burthen or thereabouts, wth noe gunns, navigated wth two

men, Plantation built, cleareth for Boston, having on board 10.000 of staves, 400 ft. of Planck, 4 chests & trunckes of Passenger goods.

Boston.

Francis Lyford, Com^{r}. of the sloop Elizabeth, of Exeter, of 20 tunns burthen or thereabouts, wth noe gunns, navigated wth two men, Plantation built, cleareth for Boston, having on board 1000 ft. of boards, 4000 staves, 14.000 of *trunnells*, 1500 ft. of Pine plancks & joyce.

Errors excepted, Dated
in Portsmouth, in New England.
PHESANT ESTWICK,
Dept. Coll.

Custom House, in New England. } *Clearings Outwards.*
Portsmouth, in New England, 27th Aug., 1692.

Virginia.

Bariah Higgins, Com^{dr} of the Ketch Elisabeth of Portsmouth, of 15 tuns burthen or thereabouts, with noe gunns, navigated with four men, Plantation built, cleareth for Virginia, having on board these goods following, viz. 10 bbls. mackerill, 40 bush. of Salt, 5 bbls. of Molasses, 6 bbls. rum, 2 pieces of white linnen, seven pieces of blue linnen, and two pieces of ponnistone [pumice-stone?] wth certificate.

Canarys.* September 1st.

Jonas Clay, Com^{r}. of the ship The Friend's Adventure, of Boston, of 40 tunns burthen or thereabouts, with noe gunns, navigated wth eight men, Plantation built, cleareth for the Canarys, having on board these goods following, viz. 23 hhds. fish, 20.000 of Pipe Staves, and 20 bbls. of mackerill, and 4 bbls. of Oyle.

Newfoundland. September 24th.

Robt. Ladd, Com^{r}. of the brigantine William & Samuel, of Kittry, of 30 tunns burthen or thereabouts, with noe gunns, navigated with six men, Plantation built, cleareth for Newfoundland with these goods following on board, viz. 9000 ft. of pine boards, 8 casques of rumm, one teirce sugar, store to Tho. Burrington, one hhd. tobacco, store to Wm. Pepperly.

* Canary Isles.

London. October 10th.

John Long, Comr. of the fly boate the Diligence, of London, of 250 tunns burthen or thereabouts, wth noe gunns, navigated wth 17 men, foreign built, made free, cleareth for London, having on board 21 masts, 11 bowsprits, 3 yards, 20 clamps, 6000 of Pipe staves, 1300 of boults, 4000 ft. of Oares, 8 tunns of fusticke,* 2000 horns, 6 bbls. train Oyle, 6 bbls. corver [?] fish.

London.

John Tickner, Comr. of the fly-boat the Firr-tree, of London, of 260 tunns burthen or thereabouts, wth two gunns, navigated wth 18 men, Foreign built, made free, and cleareth for London, having on board twenty Masts, 10 bow-sprits, 5 yards, 34 clamps, 47 standards, 1690 ft. of oares, 18,000 of pipe staves, 1300 of boults, 14 tunns of fusticke, one barl. Indicoe.

London.

Capt. John Holmes, Comr. of the fly-boat the America, of London, of 300 tunns burthen or thereabouts, mounted wth four guns, navigated wth 20 men, Forraine built, made free, cleareth for London, having on board 18 Masts, 9 bow-sprits, 13 yards, 11.400 ft. of Oares, 2900 of boults, 25.000 of staves, 84 pounds of beaver, 130 skins of small furs, 46 spars, 10 pieces of Ash, 2 bbls. of Cramberrys.

London.

Capt. Robert Tufton, Comr. of the Pincke Samuel, of London, of 100 tunns burthen or thereabouts, wth six gunns, and navigated with 20 men, English built, cleareth for London, wth tobacko, he landed here and hath again taken on board, for which bond is given in Virginia; as also 8 tunns of fusticke, 1500 weight of Brazelletto,† and 10,000 of staves, — bond and security taken here for the landing of the said goods in England, &c. according to Act of Parliament.

Errors excepted, Dated in
Portsmouth in New England,
the 15th October, 1692.

Phesant Eastwicke,
Dept. Collr.

* Yellow dye-wood.—Web. † A kind of red dyeing-wood

Custom House in New-Hampshire. } *Entrys Inwards.*

Coasting vessels from Port to Port.

Portsmouth in New England, 30th August, 1692.

Boston.

Paul Miller, Comr. of the sloop Endeavor of Boston, 20 tuns.* &c.—entereth from Boston with these goods following, viz. 2 hhds. corne, 3 bags sheeps-wool, 3 truncks of houshold goods, 1 tunn of ship beare, 50 tannd hides, 6 bbls. pork, 3 bbls. of beife, 9 bags of wheat, 2 bbls. flour, several other small parcells English goods and houshold stuffe.

Boston. September 5th.

Benjamin Bagworth, Comr of the sloop Pellican of Boston,* &c. entreth from Boston with these goods, foll. viz. 20 tunns of fusticke and several trunckes and chests of houshold goods.

Boston. September 17th.

Samuel Hill, Comr. of the sloop Tryall, of Boston,* &c. entreth from Boston with goods following, viz. 2 boxes window glass, 2 truncks and severall parcells of houshold goods, 1 hhd bread, 3 quoile rigging, several parcells of English goods.

Hampton.

Joseph Cowell, Comr. of the sloop Endeavor, of Exeter,* &c. entreth from Hampton wth Hay.

Newberry.

John Wells, Comr. of the sloop Discretion of Boston,* &c. entreth from Newberry, wth Hay.

Boston. September 30th.

Paul Miller, Comr. of the sloop Endeavor of Boston,* &c. entreth from Boston, with these goods, foll. viz. 2 pipes, 1 hhd Fayall wines, six bbls. three half-bbls. of provisions, 5 hhds bread & pease, 1 hhd. onions, 2 bbls. of porke & beife, 500 of iron.

Boston. October 3d. 1692.

Benjamin Bagworth, Comr of the sloop Pelican, of Boston,* &c. entreth from Boston wth these goods following, viz. 2 tunns Brazeletto, 4 tunns of fusticke, one hhd. & one bbl. sugar, 2000 horns,

* See description of this vessel in the preceding article, *Clearings Outwards.*

2 bbls of traine oyle, 5 bbls of tar, 7 bbls. of cranberrys, 2 hhds. and several small parcells English goods.

Boston. October 13.

James Gouch, Com^r. of the sloop Mary of Boston, of 20 tunns burthens or thereabouts, with no guns, navigated with three men, Plantation built, entreth from Boston wth these goods following, viz: 7 hhds. Indian corne, 13 bbls porke, 1 hhd pease, 1 hhd. bread, 10 bbls. tarr, 1 hhd. molasses, sundry small parcells European goods, 1 bbl. of Indigoe.

Boston.

Samuel Storer, Com^r. of the sloop Hopewell, of Boston, of 20 tunns burthen or thereabouts, with noe gunns, navigated with three men, Plantation built, — entreth from Boston, having on board 6000 of bread, two chests wearing apparell.

Errors excepted. Dated in Portsmouth, in New England, 15th October, 1692.

PHESANT EASTWICKE, Dept. Coll.

Custom House in New Hampshire. } *Entrys inward.*

Portsmouth in New England, 12th August, 1692.

London.

Capt. John Holmes, Com^r of the fly-boate, the America * — entreth from London, with these goods following, viz. 2 barrels of wrought pewter, 2 bbls. of wrought brass, 4 bbls of wrought iron, three boxes and six bbls. of grocery, 2 truncks of haberdashery, 6 bayles of stuffes, blancketts & ruggs, 3 trunckes wearing apparell, 2 pictures and 2 saddles, 2 bayles linnen-cloth, 45 quoils of rigging, 223 barrs of iron, qt 5 tunns and a halfe, 1 truncke of haberdashery, 1 trunke of haberdashery wrought silke, serges & hatts, 6 boxes wrought iron, 1 packe of stuffs, 4 bundles, and 2 truncks of haberdashery and stockings, 2 parcells wrought iron, and one box of wrought pewter.

London.

Capt. John Long, Com^r. of the fly-boat, the Diligence * of London — entreth from London, wth these goods following, viz. 6 packs, 2 bayles, three pieces of Linsey Woolsey.

* See description of this vessel in the preceding article, *Clearings Outwards.*

London.

Capt. John Ticknor, Com^{r}. of the fly-boate, the Firtree * of London — entreth from London wth these goods following, viz. 17 bayles Canvas, 11 bbls. of wrought Iron, 1 baile, 1 bbl. 36 boult staves & crowes, chain boults 24, one furnace and iron pott, 4 grindstones, 85 boult-staves, 1 pair smith's-bellows, 5 pintells, 4 brasses, 1 gudgeon, 1 bail, 1 caske, 2 boxes, 36 boults, 35 Chaine plates, 3 anchors, 1 goose-neck,(1) 1 bag of ladles, a bundle of scithes, 1 bundle of shovels, one bundle of sawes, 1 barrel, 8 small casque, a casque, a fatt [vat?] 3 bayles, 1 bbl. 1 half-bbl., 1 chest, 6 boxes, 3 trunckes, 1 bbl. 1 ffat, 2 drum casque, 2 bailes, 3 anchors, 513 bars of iron, more, 40 bars qt. 190^{c}. 0^{q}. 5 lb. 7 bbls. 2 bailes, 58 quoiles of cordage, 20 clamps, 1 drill, 30 basketts and baggs of nails, 20 great iron guns, one demy cannon carriage, 1200 round iron shott.

Barbados. September 17.

Robt. Michill, Com^{r} of the barque Mary of Kittery, in the Province of Maine, 20 tunns burthen or thereabouts, wth noe gunns, navigated wth 6 men from Barbadoes, being English built, and entereth five hhds and five tierces of Rum, and lime-stones ballast.

Barbados.

Nicholas Follet Com^{r} of the Brigantine, the Friends Endeavor, of Portsmouth in New England, 25 tunns burthen or threabouts, wth noe guns, Plantation built, navigated wth six men, enters from Barbados wth these goods following, viz. 15 hhds, 13 bbls of rum, 7 hhds. 8 bbls. of molasses, 2 bbls. of Muscavado Sugar, 100 weight in severall small sugar loaves, and 100 hhds. salt.

Barbados. September 19th.

Samuel Rimes Com^{r}. of the Brigantine the Friendship, of Portsmouth in New England, 20 tunns burthen or thereabouts, wth noe gunns, Plantation built, navigated wth seven men, — entreth from Barbados, wth these goods following, viz. 40 hhds. of salt, 1 chest of English goods, with certifecate, and Lime stones Ballast.

* See previous description.

(1) In a ship, a piece of iron bent like the neck of a goose, and fitted on the end of a boom, yard, &c.—*Web. Dic.*

Barbados. September 22d.

John Cutt Comr of the Barke the Friends Increase, of Portsmouth in New England, of 15 tunns burthen or thereabouts, wth noe gunns, navigated with 4 men, Plantation built—entreth from Barbados wth these goods following, viz. 30 hhds. of molasses and 8 bbls., 18 hhds. and 2 bbls. of rum, 1 teirce, seven small casque of sugar.

Barbados. October 15th.

Edward Kennard, Comr. of the Pincke, Richard, of Portsmouth, of 25 tunns burthen or thereabouts, with noe gunns, navigated wth seven men, Plantation built, entreth from Barbados wth these goods, viz. 31 hhds. Molasses, 8 hhds. & 1 teirce Rum.

Errors excepted. Dated in Portsmouth, in New England, October 15, 1692.

PHESANT EASTWICKE,
Dep. Coll.

B. II. p. 10.

Province of New Hampshire.

At a Council held at Portsmouth this 28th of Nov. 1692.

Present,

John Hincks, President, Esqr,

Nathl Fryer, Robt. Elliott, Peter Coffin } Esqs.

Henry Greene, William Vaughan, Nath. Waer, Rich. Waldron } Esqs.

Ordered, That an order be forthwith given to the Treasurer for the disbursing out of the Treasury the sum of five pounds for provissions for the soldiers at Capt. Woodman's Garrison in this Province.

Ordered, That the Treasurer pay out of the Treasury what mony is to be payd for wheels & carridges for the mounting of nineteen gunns for the Majes. Fort at Gt. Island.

Ordered, That the several Laws made in this Province at a late session by the Lt. Governor and Council and General assembly, be drawn out by the depy. Secret. and that all towns within this Province may have the same, the selectmen paying the sd officer for transcribing them.

Ordered, That the Inhabitants of Swamscot within this Province, being [or beginning] from Tho. Wiggings at Sandy Point &

upwards shall be rated by the selectmen of the town of Exeter to all publique assesments; also, that they be under the comand of ye militia of Exeter untill further order.

Ordered the Treasurer do agree and pay Mr. Saml. Rymes * for the use of his house whilest the Lieut. Governor and Council and Assembly sate there.

To p'vent the drawing off of the soldiers from Cocheca and Oyster River, Ordered, That the Treasurer disburse twenty or thirty pounds for supply of sd soldiers with provisions, to enable them to continue in their posts for the better defence of the Province.

Whereas it is necessary to strengthen the frontiers of the Province by the continuance of soldiers there; And there being not mony in the Treasury to supply provisions for them: Ordered, That whosoever shall disburse for supply of provisions for the soldiers aforesaid, shall be reimbursed out of the first mony that shall be raised by the Assembly at their next sitting for defraying such publick charges.

Proposed by the President in Council, that, whether the vessels belonging to the Province of Maine coming into this harbor, whether the masters ought not to come to the Governor or Commander-in-chief in this Province, to give an account of their proceeding, and to pay their respects accordingly, for their passing and repassing: The Councill will consider further thereof.

Ordered, That the Prison now on Strawberry Bank be the allowed Prison until further order.

B. II. p. 12.

Province of New Hampshire.

At a Council held at Portsmouth
this 3^d of January, 1692.

Present.

John Hincks, Esq., President.

Nathl. Fryer, Robt. Elliott, Peter Coffin } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

Mr. Thomas Davis was this day admitted and sworn Secretary of this Province and Clark of the Councill, and then delivered him the several Laws made by the Lieut. Governor, Council and Assembly, at their last sessions.

* Or Rynns.

The Booke containing the Governor's Commission, the Minutes of the Council, also of the Assembly, the several oaths of the Assembly Inroled, the remaine of them [files?]

B. II. p. 12.

Province of New Hampshire.

Portsmouth, at a Council
held there the 24th February 169⅔.

Present,

John Hincks, Esq. President.

Nathl. Fryer Henry Greene Nathl. Weare.	Esqs.	William Vaughan Rich. Waldron	Esqs.

Ordered, That a general assembly be forthwith called, and that a warrant be issued out to the sheriffe, that he may make out his precepts directed to the several Townes and places, that they choose Representatives accordingly, and that they may meet on Wednesday the first day of March next by ten of the clock in the forenoon, at the Town of Portsmouth.

Tho. Davis,
Sec'ry.

B. II. p. 16.

Whereas by virtue of the above Warrant there has been returned, Major Elias Styleman, and Saml. Keeas of Portsmouth, and Job Clements, of the Towne of Dover, to serve as Representatives, to whom the oaths appointed by Act of Parliam^t, to be taken were tendered, and they required to sweare accordingly; but they refused:

These are therefore to require and comand you forthwith to issue out your Precepts, directed to the Constables of the s^d Towns to summon the freeholders to elect others in the roome of the s^d Elias Styleman, Saml. Keeas & Job Clements; forthwith to meete, att the Assembly now convened, & held att Great Island in the Province of New Hampshire. Witnesse, John Usher, our Lieut. Govern^r, this 1st March in the ffifth yeare of our Reigne.

John Usher, Lt. Govern^r.

To Rich. Jose, our Sheriffe.

B. II. p. 13.

Province of New Hampshire.

Whereas there was an order of Council past the 15th August, 1692, that the Laws and Records belonging to this Province be demanded out of the persons hands where they then were and be delivered to the Secretary of the sd Province; and, pursuant thereunto Mr. Thomas Newton, then Secretary, on the 30th September following demanded of Capt. John Pickering the Books of Laws and Records in his hands, belonging to this Province, and said Pickering positively denyed to deliver the same:

These are therefore, in their Maj'ties' names, to require and command you Capt. John Pickering, to deliver unto Thomas Davis, Secretary of this Province, all the Books of Laws, Books of Records, and all ffiles of paper belonging to this Province, that have been in your custody; laying aside all excuses and pretensions whatsoever, as you will answer the contrary at your utmost peril. Given under my hand and seale this 28th day February, 169⅔.

Jno. Usher, Lt. Governor.

6th May 1693.

Demanded then of Capt. John Pickering the Records and all ffiles of paper belonging to the Records of this Province; whoe said, he was then in haiste, could not staye, and that he did not know of any he had, but would look.

Tho. Davis, Secy.

Great Island, 20th May, 1693.

Mr. John Pickering attending the Leiut. Governor this day, by virtue of a warrt, and being demanded why he had not obeyed the within written warrant, owned he had several Books and ffiles in his custody which he had not yet delivered, though often demanded to have done the same.

Tho. Davis, Secy.

B. II. p. 15.

Whereas sundry persons within this Province, out of a tender conscience, are indisposed to comply with that form and maner of laying the hand on the Bible, in taking of oaths; whereby many persons are and may be debared from public office or imployment in their Maj'ties' service, which they are otherwise well qualified for:

Be it enacted, That any person, desiring ye same as aforesaid, shall be allowed the liberty formerly used within this their Maj'ties' dominions, of holding up the hand in swearing, & all oath[s] so taken shall be accounted in all cases as good and valled as if they had been taken by laying the hand on the Bible.

JOHN PICKERIN, Clark.

3d March 169⅔.

Ordered by this House, that in regard it is but matter of seremony (the oath being the same) that this Bill be passed.*

Indorsed — "A Bill presented by the Representatives 1692."

THO. DAVIS, Secy.

WILLIAM & MARY, by the Grace of God, of England, Scotland, France & Ireland, King & Queene, Defendrs of the ffaith, &c, — To Richard Jose our Sheriff, in Province New Hampshire, greeting:

{Seal} Whereas in pursuance of our Precept to you directed, you have returned for the Towne of Portsmouth in sd Province, Major Elias Stileman and Mr. Samuell Keeas as Representatives for sd Towne, but it not appearing by sd returne that they were duly chosen by the ffreeholders of the sd Towne, or that the ffreeholders were duly summoned thereunto, the sd returne was adjudged illegall and voyde: Wee therefore Comand you, by and with the advice of our Councill upon receipt hereof, you forthwith make out your Precepts directed to the Constables of the sd Towne of Portsmouth and the Isle of Shoales, requiring them to cause the ffreeholders of their sd Towne and of the Isle of Shoales, according to their Maj'ties Commission, being duly qualified, at time and place to meet & chuse two men for the sd Towne of Portsmouth, and one man for the Isle of Shoales, to serve for and represent them, respectively in the Assembly now convened, had and kept, for our service at Great Island in Portsmouth, aforesaid: And to cause the person or persons soe elected by the Major part of the ffreeholders to be summoned to attend our service, this sd Assembly forthwith, and so diem in diem, during their ses-

* It appears from the Records, that Major Elias Styleman and Saml. Keeas of Portsmouth, and Job Clements of Dover, returned as Representatives, had refused to take the oath "by laying their hands on the Holy Evangelists and swearing accordingly" — "declaring they would swear by lifting up the hand, but not otherwise."— B. II. p 16. ED.

sion or sessions; and to returne the name of the persons soe chosen with this precept, and of your doings therein, under your hand, in our Secretary's office forthwith. Thereof faile not at your perill. Witness, John Usher, Lieut Governr & Commander-in-chiefe in and over our sd Province, Hampshire. Given at Portsmouth, under the Publick Seale of our said Province aforesaid, the ffourth day of March 169⅔ in the ffifth yeare of our Reigne.

JOHN USHER.

In pursuance to the wth in Precept, I granted out my writs to the Constable of Portsmoh. for ye calling of ye freeholders together, for ye making choyce of two men as Representatives to serve in General Assembly. In pursuance to wch I have returned to me by the constable, ye persons following: Maj. Elias Stileman and Mr. Samll. Keeas, to serve as abovesaid.

RICHARD JOSE, Sherf.

March 6th. 169⅔.

In pursuance to a precept to me directed some few days before this, for ye election of one man to serve as a Representative in ye general assembly now sitting att great Island in the roome of one Job Clements, ther was returned to me by ye constable of ye towne of Dover, Left. John Tuttel to serve as aforesaid.

RICHARD JOSE, Sherf.

March. 6th. 169⅔.

Returned for ye Isle of Shols, by the constable of sd Island Mr. Thomas Dimond, to serve as a Representative to sett in ye Generall Assembly, now sitting at Great Island in the towne of Portsmouth, in the Province of New Hampshire.

RICHARD JOSE, Sherf.

March 6th. 169⅔.

B. II. p. 15.

[The following paper, without date, is indorsed —"The inhabitants at New Castle sworn."]

John Hinks	Saml. Comfort
Thomas Cobbett	Theodore Atkinson
James Rendle	John Harst
Richard Buckly	Richard Knight
Samuel Winkly	John Lewis
Samuel Accutt	Willm Sevy

John Sevy
Thomas Sevy
Samuel Rand
John Bracitt
Francis Tucker
John Odihorn
John Bickford
John Amaseen
Thomas Parker
Ed^d Cary
Richard Hales
James Philpot
Jos. Read
Rich. Goss
Saml. Dorse
Tho. Marchall
Will. Enderson
John Searle
John Hammons
Tho. Mardin
John Foss
Danl. Joanes
Rich^d. Taulton [Tarlton?]
James Mardin
Will: Foss
James Leach
Georg Wallis
James Berry
Saml. Langmaid
James Burgis
John Badson
Nathan White
Georg. Trundy
Tobias Horne
John Clark
Thomas Paine
Will. Enderson, sen.
James Leach, sen.
Richd Glas
John Beale
Edward Randal
Will. Tucker
Ed^d. Hales

Jeremiah Walford
Paul Holand
Ed^d. Willson
John Leach
James Berry
Mathey Rumry
Saml. Foss.
Thomas Holland
John Samson
Benj. Sevie
Jothan. Odiorn
Will. Arnup
Jacob Clark
Jacob Randall
James Roberson
John Mardin
John Churchell
Nick: Hodg
Danl. Shaw
Georg Harris
Saml. Moudy
Phes. Estwick
Jos. Menserat
Foster Traform[?]*
Steven Estwick
Moses Paul
Benj. Parker
Will: White
Rich^d. Oliver
John Coock
James Joyce
John Stevens
Henry Traform[?]
Shadrick Bell
Robt. Jurdon
Andrew Cranch
John Berry
Jeff[?] Currier
Will. Manserat
Jos. Alwell
Arthur Head
Thomas Joanes
John Marting

* The first letter, T, is doubtful.

The above persons appeared personally before us and took the oaths appointed instead of the oath of allegiance.

Tho. Packer } Justices
Shadrach Walton } of ye Peace.

B. II. p. 29.

At a Council at Portsmouth, the 10th day of March, 169⅔

Present
The Lieut. Governor.

John Hincks
Nathl Fryer } Esqs.
Robt. Elliott
Peter Coffin

Henry Greene
Nath. Weare } Esqs.
Rich. Waldron

Proposed by the Lieut. Govern^r, whether the rights and bounds of this Province should be asserted and maintained: Ordered, that it be.

Proposed, That the selectmen of Portsmouth may be ordered to attend this Board to give an account of their making an Assessment on the s^d towne: No final resolution made thereto.

The Lieut. Governor read a Lett^r from Sir Wm. Phipps, dated Boston, the 6th of March, 169⅔, demanding several men as having deserted their Maj'ties' service, belonging to the Nonsuch: Ordered, That those who have a clearing from Capt. Short ought to be protected; & if there be any others that have not such a discharge, ought not to be protected.

Ordered, That the Treasurer take care that a centinall's Box be made on Little Harbor Poynt upon Great Island.

Capt. Pickering attending this Board acknowledged it is his hand writing subscribed to the warrant of Assessment for Great Island.

The Petition of the inhabitants of Great Island being read petitioning to be made a Township by itself: Ordered, That a coppy of the Petition be given to the Selectmen of Portsmouth, & that they have notice to attend Friday next to show cause why the Petition should not be granted; and likewise that they come prepared to show how they came to be a Towne, and what their rights and immunities are.

Adjourned to Fryday next, 10 o'clock forenoon.

B. II. p. 28.

Mr. Moss one of the Selectmen of Portsmouth ownes he signed the Warrant for gathering in an Assessment for s^d Towne, saith

severall things were layed before them whereby to induce them to make the Assessm^{t}, as partly some ingagements of the Towne, some before the arrival of the Lieut Govern^{r}, some since. Being asked whether any part of this Rate was not to goe towards paying the Towne's engagem^{t} with Mr. Moody in case the contribution would not doe, sayth he cannot say, & being asked whether they did not intend it, sayth he cannot neither owne or deny it.

Mr. Snell, another of the Selectmen ownes it is his hand subscribed to the three several lists for raising an Assessm^{t} on the Towne of Portsmouth. Being asked what was committed to him at the meeting of the freeholders pursuant to their Warr^{t}, sayth, he was not there at their meeting; on what account did you assess Great Island? sayth as belonging to the Towne. What Poor or necessary charge is laid before you by Great Island, that you assessed them soe much—to be disposed of by the Inhabitants thereof for the use of the Poor or such occasions as they should think fitt, sayth they did as they were part of the Towne. Being questioned what are the engagem^{ts} of the Towne & whether this Tax a part of it was not to goe towards paying Mr. Moody in case the contribution fell short, cannot say.

Upon reading the Warr^{t} made on the Assessm^{t} for Great Island, the Board was of opinion the Warr^{t} was illegal, as also the Assessm^{t}.

Ordered, That the rates for the Banck goe on, but that the rate for Great Island be stopped.

Ordered, That Mr. Martyn and the Selectmen be dismist till further order.

Adjourned to 10 a clocke, ffryday morning, 10th March, 169$\frac{2}{3}$.

B. II. p. 30.

At a Councill held at Portsmouth, on Fryday, the 17th March, 169$\frac{2}{3}$.

Present.

The Lieut. Governor.

John Hincks	Esqs.	Henry Greene	Esqs.
Robt. Elliott		Nath. Weare	
Peter Coffin		Wm. Vaughan	
		Rich. Waldron	

The Petition of the Inhabitants of Great Island was read, and the Selectmen of the Towne of Portsmouth attended this Board,

and gave in their answer in writing: and say, the Towne has been represented soe; believe there may be a Grant constituting Portsmouth a Towne; know not where it is; say the bounds were laid out by the Massachusetts, and as having enjoyed it for many years, pray it may be still soe continued as a Towne; say it is inconvenient for the people of Great Island to go to the Bank to meeting, but ought to have a minister on the Island; say Great Island ought not in reference to their Maj'ties' Fort and Stores, to be deserted at any tyme.

The selectmen withdrew and the Councill considered and debated of what the Selectmen had offered; and are of opinion, Great Island should be a Township and divided from the Banck, provided it is able to support itselfe: And that Sandy Beach and Little Harbour be added.

John Hinks	yeas.	Wm. Vaughan	nays.
Robt. Elliott		Rich. Waldron	
Henry Greene		Nath. Weare	

And Peter Coffin, if all parties consent.

The Lieut. Governr then declared it should be a Towne; and that he would make it soe separate from the Banck.

Capt. Pickering(1) be called up.

Demanded of him if he knew anything of a Warrant that was shown him; a stock of powder, &c., as in the paper given in as an answer of the selectmen.

The Law says, the Selectmen and a Justice P. may raise money: They did raise the Assessmt for repairing the house for the minister: Cannot say all the charges for which this money is raised accrued since the Lt. Governrs arrival: Cannot say any of the money was to go to Mr. Moody in case the contribution fell short.

Major Vaughan(1) called up.

That 'tis his hand to Warrant and Assessmt as a Selectman: They have acted as the Law directed them: The things were proposed at Town meeting that are mentioned in the papers given in for the Town's use.

Agreed — The warrant for the Assessment on Great Island is illegall.

Ordered the Selectmen now be called, and checked(2) for the same, & ordered to be more careful for the future.

Ordered, That the Treasurer pay house and man that attended.

(1) Capt. Pickering and Major Vaughan were summoned to appear by special warrant, dated March 10, 169⅔.

(2) Chided, reproved.

Ordered, the soldiers pay be 2s. 6d. per week for subsistence.

Ordered, the Govern^r or President issue out their Warrants to Treasurer to pay for the Plattform at Fort, and repairing thereof, & for the carriages and mounting of guns, and likewise for supplyes for the future for the garrisons.

B. II. p. 33.

To the Honored Governour and Councill of the Province of New-Hampshire.

Whereas by their Majesty's Royal Commission you are invested with power to constitute Townships in this Province, we, the inhabitants of Great Island being incapacitated on several accounts to attend the worship of God in any other place but on the said Island—it being also unmeet that the Island should be deserted at any time by its Inhabitants, in reference to their Majestys' Fort here; we desire and petition that we may be constituted a Township with those immunityes, privileges and liberties that their Majestyes' are wont to grant to such a township; & for the better upholding of the said Towne, that you would be pleased to state & appoint the bounds of our said towne to comprehend not only the Island, but from the mouth of Sagamores Creek to the head thereof, and so to the reputed Bounds of the towne of Hampton all ye families and land seaward, that we may be ye better enabled for ye discharge of all dutyes. So prays your humble Petitioners.

Thomas Parker
Phesant Eastwicke
Nathaniel Fryer, jun.
Thomas Paine
James Casowah
Joseph Read
Richard Tarletoun
James Booth
William Forbes
Arthur Hed
John Fenicks[?]
Ezerya [Ezra?] Elwell
Joseph Elwell
Henery Trevethan
Fostar Trevethan
Jaramyah × Walford, mark.
Jacob Rendall
James Roberttsone
John Lewis
John × Cross—his mark
Jn. × Church—mark
Shadrach Walton
Tho. Cobbett
Francis Tucker
Robert Jorden
Daniel × Oshaw[?] (1) mark
Will. Wallis
Georg Wallis
Tho. × Sevey
Thomas Rann
John Mardin

(1) In Portsmouth Records, 16th March, 1673, is the name of Daniel Ushaw.

Wilyam × Jones—his mark
Thomas Jones.
John Clark
John Amaseen
Sam[l]. Sevee
Sam. Rand
James Leach
James + Leach, sen. mark
John Leach

B. II. p. 34.

To the Honorable, ye Lieut Govern[r] and Councill of this their Maj'ties' Province of New Hampshire; — the humble petition of the Inhabitants of the Great Island, humbly sheweth:

[Literal and exact copy.]

That whereas we, being part of y[e] twone of portsm[o]: and having found for many years great Inconveniences arising thereby, in regard of the distance we are from the banck, and no way to it but by water, wherein there is great diffyculty at any time, but sumtimes more espetialy, to y[e] hazard of our healths and lives, in going up to atend the publike worship of god at Strawberry banck, and having many poore people amongst us, both men and woemen and children, which have no convenience of passage, by which meanes y[e] greatest part of our people canot Injoy y[e] hearing of y[e] word preached to them, w[ch] causeth many times y[e] breach of y[e] Sabath, and the dishonor of god's holy worship; as also our Iland being y[e] mouth of y[e] harbor and Inlet into y[e] Province, having the King's fort placed here, and all the stores of amenution, which is of great Consequens, and ought at all times to be carefully atended and lookt after; but if the Inhabitants of this Island must be Confyned to atend their duty at Strawbery banck upon every publike ocation, the King's fort is left destitute of assistance, and lyes exposed to y[e] surprizall of y[e] enemie and our owne distrucktion: we, therefore, the Inhabitants of y[e] Great Island being a competent number to make and uphold a twoneship, doe humbly beg and desire of this honorable board y[e] govern[r] and Councill, that we may be constituted a Twoneship by our selves, and that you would grant us the previleges and immunities as their Maje[stys] have bin gratiously pleased to allow sutch a Twonship; and that the bounds of our Twoneship may be settled as may be most convinient for y[e] s[d] twone in respect of an addition To our soldiers belonging to our Island: and y[e] petitioners shall ever pray.

Phesant Eastwicke
Thomas Parkar
Wm. × Furbush—mark
John Amaseen

John West
John Lewis,
Saml. × Rand,
Will. Wallis,
Thomas Paine,
John Crowder,
Willm. Manfield,
James Robertson,
Henry Roby,
Henry Trevethan,
Robert Jordan,
Steven × Walford,
Richard Tarleton

Georg Wallis
Tho. × Jones
James Leach
Daniel × Oshea[?]
James Booth
Edward Randall
Thomas Marshal
Tho. Cobbett,
Shadrach Walton
Francis Tucker
John Clark
Edward Beele
John × Marden
Saml. × Seave
Tho. × Seave
Thomas Lane

B. II. p. 35.

To the Honble ye Lieut Govn^{r} and Councill of New Hampshire, now sitting at Great Island.

In obedience to your Honors summons Requiring us to appear this day to shew cause why ye petition of the Inhabitantse of Great Island and Sagamores Creek should not be granted; and how wee come to be a Township, as also to give an acco^{t} why and for what we made ye last Assessment for the towne of Portsmouth; wee here attend and make answer to each particular in brief, as followeth:

1st. The Petition ought not to be granted because not desired by the inhabitanse of Sagamore Creek, who tho' said to signe ye Petition, affirm y^{t} no freeholders of Sagamor Creek ever signed ye same, but desired the contrary;—as sundry of them and others have now signified under their hands: And why the Inhabitants of Sagam^{r} Creek, &c. should ag^{ts} their desire, be so much incommoded, to gratify the desires of the Inhabitants of Great Island, wee humbly leave y^{r} Honors to judge.

2^{d}. As to our being a Township, It is not unknown to some of your Honors, how long we have been under such a construction: But, if any question the legality of ye authority that first constituted us soe, we presume his Maj'ty's owning us as such in two Commissions for ye Government of the Province, and ye adminis-

tration of ye affairs of Government, having been all along toward us as such, should silence all gainsayers. However if it be in y^r Honors power to add anything toward the confirma[tion] of townships which may yet be wanting; wee are humbly of opinion it will much more conduce to their Maj'tie's interest and the peace and unity of his subjects soe to doe, than to admit of any division thereof at this time.

3rd. In answer to that, why & for what wee made the last Assessment for ye town of Portsm^o, wee crave leave to say; Wee did it, Because the law (entitled an Act concerning the prudential affairs of the town,) impowers us soe to doe; and that to defray ye necessary charge arising within the towne: and shall follow the direction of that Law, within the yeare to give an Account of all ye money so raised by us to one of the Justices of the Peace, with three men chosen by the freeholders as a committee for that end; that there may be no damage to any man; & while we thus make the law our rule, we promise o^rselves to be indemnified thereby. However, that your Honors may be satisfied there are charges arising in the town, for wch such an assessment was necessary, we mention sundry, viz.

For a stock of powder, shott &c., about . . .	30:00:00
For defraying ye charge of ye assembly-men, about .	15:00:00
For weights & measures, beam, &c. for the town . .	05:00:00
To the poor, viz. old Lewis, dyet and clothes—about .	15:00:00
To ditto, old Will:[?] and his wife—about . . .	20:00:00
For a Bell sent for to England—about	20:00:00
To so much to repair the meeting house, Minister's house, fencing in a garden, building a stable, board-nails, &c. about	30:00:00
For a Pound	10:00:00
For 9 wolves killed this winter	09:00:00
For Splan Lovewell for keeping the glass of the meeting house and minister's house in repair, per annum	02:00:00
To maintaining ye bridge over the mill-dam . . .	01:00:00
For sweeping ye meeting house, per annum . . .	01:10:00
To making a new causeway over the great swamp, about	15:00:00
To the town clark, per annum	02:00:00
	175:10:00

Besides other incident charges that may occur within the year.

So we take leave to subscribe,

Your Honors most humble servants

17th March, 169⅔
owned by them all to be
their Answer
Tho. Davis, Sec.

Richd Martyn
Wm. Vaughan
Geo. Swett
Obadiah Mors
John Pickerin.
} Selectmen.

B. II. p. 37.

Province of New Hampshire.

At a Council held at Portsmouth, the 17th of March 169⅔ for the sd Province.

Present.

The Lieut. Governr.

John Hinckes Robt. Elliott Peter Coffin	Esqs.	Henry Green Nath. Weare William Vaughan Rich. Waldron	Esqrs.

The Selectmen of the town of Portsmouth (by virtue of an order of Councill) attended this Board, to show cause why the petition of the Inhabitants of Great Island (praying that they might be constituted a Township with those immunities, privileges and liberties that their Majesties' are wont to grant to such a Township) should not be granted.

The Selectmen gave in their answer in writing, and say, the Towne has been for many years reputed to have been a Towne; and believe there may be such a Grant but know not where it is; say, their Bounds were layd out by the Massachusetts, and they, having injoyed it many years, pray it may still be so continued; confess it is inconvenient for the inhabitants of Great Island to goe to meeting at the Bank, but ought to have a minister on the Island; and the rather, for that their Maj'ties' fort and stores ought not to be at any time deserted.

The Selectmen being withdrawn, the Councill considered and debated what was sayd and offered; and are of opinion that Great Island should be made a Township and divided from the Bank, provided, it is able to support itself.

The question being put whether Sandy Beach and Little Harbor should be added thereto:

John Hincks Robt Elliott Henry Greene	Yeas.	William Vaughan Richd Waldron Nathl Weare	Nays.

Peter Coffin, if all parties consent.

Tho. Davis, Secy.

B. II. p. 38.

At a Council held at Portsmouth
the 18th March 169⅔.

Present

The Lieut. Governor

John Hincks, Robt. Elliott, Peter Coffin } Esqrs.
Henry Greene, Nathl. Weare } Esqrs.

Ordered, That Richard's the Post's bill be paid six pounds, six shillings by the Treasurer, & that a warrant be issued out accordingly.

Ordered, That all vessels that carry 15,000 of boards and staves, pro rata, pay dutyes according to the Act:—that is to say, 1000 of pipe staves, 3 tunn; 1000 hhd. staves, 2 tunn; barrell staves, 1000, one tunn & halfe.

Jam: Amy, Milles and Hart produced their clearings, and ordered they be protected, and allowed the discharge to be good.

The Lieut. Governor read a Letr from Sir Wm. Phipps, dated at Boston, 14th March 169⅔.

The order irregular and they ought not to comply with it. That what the Lieut. Governor did with the Purser was regular and nothing but just and fair.

Ordered, That the Secretary write to Sir Wm. Phipps to give him notice of the running the bounds of this Province at Hampton.

B. II. p. 39.

At a Council held at Hampton,
March 20th 169⅔.

Present — The same.

Ordered, That ——— Haynes, Francis Sherlott, Jeremiah Walford, Wm. Sharp and John Cross be settled and appointed to keep watch at their Maj'ties' Fort on Great Island, and that they constantly attend their duty at the Fort, and that they be allowed their Majests pay.

vera copia,
at. — Wm. Redford, Dep. Secy.

B. II. p. 40.

Great Island, 23d March 169⅔.

Mr. Fabins —

Sir — I have received a saucy impudent Letter from one Matthew Cary, who is aboard the ship Nonsuch, wherein he threatens the inhabitants of this Province: These are therefore to give you notice of it, that you may have the greatest care of your men; and if he dares presume to press any one, it is more than he can justify, — having no warrant or leave from any in authority in this Province soe to doe. Therefore you may seize him; and if you doe, be sure to send him over hither or any others of his company.

Your friend, John Hincks.

B. II. p. 42.

Boston, 25th March 1693.

Gentln—

The Poste Master General being here in Boston, & giving account yt he has settled a poste from Virginia to Boston once a week, he is very desirous to know whatt you will be pleased to allow either as a yearly sallary, or how much a Letter for postage of a single Letter from Piscataqua to Boston. Itts judged the poste may be of great advantage by reason of intelligence from England & Western Islands, and his Majesy dominions in those parts. Itts desired forthwith an answer from yourselves; — the Poste Master General designing to be gone on Wednesday nextt for New York, &c. Itts desired you would likewise signifye whether you would have a poste once a week or once in two weeks. All which your answer is speedily desired. Nott else, butt am

Gentln your friend & servant
Jno. Usher.

B. II. p. 43, 1693.

At a Council held at Great Island,
the 27th March, 1693.
Present

John Hincks, Esq. President

Robt. Elliott, Peter Coffin, Henry Greene } Esqs.

William Vaughan, Rich. Waldron } Esqs.

Ordered, That the Laws made last Assembly be published forthwith.

The Lieut. Governor's Lett^{r} was read; but the Councill being in the dark as to what the Postmaster's command is, or what agreement is made with other parts, are of opinion a Poste would be very necessary; and that he be allowed, per letter, according as in other parts that are in like circumstances with this place, proportionable to the distance of this place from Boston, and that every one pay for his owne Lett^{r}.

Mr. Cary's letter to the President was read, and Mr. Cary appeared. The Council are of opinion the President has done nothing but what he ought to have done.

Ordered, That Mr. Cary be reprimanded for writing his letter, & that he be discharged, paying his fees; & that he be cautioned to behave himself better for the future.

Sir Wm. Phipps came to the Island, Tuesday night, goes aboard Tay's ship, sends Tay's boye to the President to have him come to him, as alsoe Tay.

The President sent him word he was at Mr. Elliott's, & if Sir William had any business with him was ready to hear it.

Sir Wm. stays at West's till about 11 o'clock, then sends Jackson to the President to desire him to call the Councill to meet at the Bank that he might read his commission: The President sent him word he would call the Council to meet, and he should have notice.*

B. II. p. 45.

At a Councill held at Great Island the 30th March 1693.

Present

John Hincks—President

Nath. Fryer, Robt. Elliott, Peter Coffin } Esqs.

Nathl Weare, Wm. Vaughan, Rich. Waldron } Esqs.

Upon compl^{nt} made by Capt. Tay that Sir Wm. Phipps had entered and broke his ship, & taken away goods thence, and tare his warrant: The Council is of opinion that the matter contained in his petition, wherein he complains of damage, does not lye afore this Board, but he has his remedy at Law.

The President, informing this Board that Sir Wm. Phipps had, while being on Great Island, a warr^{t} directed to Jeremiah Tay, commanding him to deliver Capt. Short &c and that Sir Wm. had

* Notice was accordingly given, to meet 30th March, 1693.—Ed.

declared to several that he is Vice Admiral of this Province; and that while he is here he is not out of his Government, — desired the opinion of this Board, if Sir Wm. ought not to be called to account for it.(1)

The Council are of opinion — no person being injured thereby — it may be inconvenient to call him to account by this Board.

Ordered, That in case of distress and application made of the neighboring County of York or Province of Maine, to the Lieut. Governor or President, in his absence, for helpe and aide, it shall be lawful for them to grant their warr^t to the Maine, to aide and assist them with what strength the nature of this Province will afford.

B. II. p. 47.

To the Honble John Hincks, Esq. President and ye Honorable Council of their Majestys Province of New Hampshire, now sitting at Great Island: —

The humble petition of John Gerrish & John Woodman, most humbly sheweth: —

Whereas y^r petitioners are seated on ye frontiers of Cochecha and Oyster River, and have hitherto had ye assistance of soldiers for their better security and defence against their Maj'ties French and Indian enemies — which soldiers are now drawn off — by which we are exposed to ye said enemy assaults & not capable of doing any thing for o^r future subsistence without farther helpe; — we therefore most humbly supplicate y^r Honors for such a number of soldiers for our prsent reliefe and assistance as y^r Honors shall judge meet and necessary to preserve your frontiers, and not leave us exposed to destruction, when ye enemy please to assault us. And y^r petitioners shall ever pray &c.

[No date.] JOHN GERRISH.

B. II. p. 48.

At a council held at Great Island
the 24th April, 1693.

Present

John Hincks, Esq. President

Nathl Fryer Robert Elliott Henry Greene	Esqs.	Nathl Weare Wm. Vaughan Richd Waldron	Esqs.

Reading the Let^r from S^r Wm. Phipps, dated 15th April instant, and the Petition of John Gerrish, Ordered, That six men be

(1) See account of this affair in Farm. Belk., p. 137.

raised for Capt. John Woodman, three for Capt. John Gerrish, and five for Sam^ll Heard's garrisons: at Lubarland,(1) two, and two at Hilton's.

Ordered, That Mr. Greene address himself to the Committee of Militia for Hampton, that they take care to preserve his Mill, and in case they doe not, that he shall have two men allowed him.

Ordered, That 38 men be raised for the end aforesaid; & for repairing the Fort; the Committee of Militia for Hampton to raise 18 men, viz. 10 Soldiers & 8 to work at Fort; and the Committee for Portsmouth 20 more men, viz. 8 soldiers & 12 to work at the Fort.

Ordered, That the selectmen of the several Towns that have not committed their Province Rates to the constable to collect the same, that they doe it on or before the first of May next as they will answer it at their perill.

Ordered, That James Randall be appointed overseer to look after and direct the severall men that are or shall be employed in repairing the Fort at Great Island & fortifications there.

B. II. p. 49.

To the Committee of Militia at Hampton.

In their Maj'ties' name you are hereby required forthwith to impresse out of your respective companies ten able men, with arms & ammunition according to law, and them forthwith to march under the conduct of an officer of the town to be posted at the several Frontier garrisons hereafter mentioned for the strengthening thereof: viz. At Edward Hilton's garrison two; at Lubberland garrison two; at Capt. Woodman's garrison six: You are also alike required to impresse eight able bodied men to labor on the reparation of their Maj'ties Fort at Great Island, and them forthwith to send to Gr^t Island to attend their Maj'ties' service accordingly. Hereof fail not, as you will answer ye contrary at your peril.

Dated at Gr^t Island, this 24th April, 1693.

By order of the Council — Tho. Davis, Secy.

[A similar order was issued to "The Committee of the Militia of Portsmouth," to raise eight men; to be stationed "at Capt. John Woodman's garrison, three; and at Heard's garrison, five." — Ed.]

(1) "Lubberland" — a locality near Dover Neck.

B. II. p. 50.

Salem, May the 3d, 1693.

Hon'rable

Sirs — Yesterday arrived from Port Royal the ship Mary; toucht at Pemaquid: Adviseth that the Indians are rallying their utmost strength, intending to attack Pemaquid fort, and what else is uncertain; that they are already advanced on their design, supposed to be now at or near Pemaquid; that the French have a briganteen and a shallop out stoutly manned, which may be instruments of much mischief: we judged it necessary to give speedy advice hereof and request that the other Letters herewith sent may be forwarded with all speed, — being of high concernment for their Majesties' service.

BARTHW GEDNEY, ELISHA HUTCHINSON, JOHN WALLEY } Commisrs for the Warr.

Superscribed — "For the Honble, the Lieut. Govr and Council in the Province of Hampshire."

"Haste — Post-haste for their Majesy service."

B. II. p. 51.

At a Committee of Militia held at Great Island, 5th May, 1693.

Present

The Lieut. Governor.

Major Wm. Vaughan	Joseph Smith
Henry Dow	Shadrach Walton
John Gerrish	——— Thing
John Woodman	——— Packer

The Lieut. Governr desires to know in what condition the frontier garrisons are in, & what is best to be done for their Maj'ties' interest and the security of the subjects: — seeing Sir Wm. Phipps has drawn off his men out of this Province.

Capt. Woodman moves, That some care may be taken to provide provisions for the soldiers in his garrison.

Capt. Gerrish sayth that scouts to go from town to town is needful, but fears it will be hard to finde any that will be faithfull.

Are of opinion a scout of 2 or 3 to go from town to town will signifie nothing.

Proposed whether it be necessary to have 24 men to range the woods once a fortnight.

Are of opinion it is not necessary.

B. II. p. 52, 1693.

At a Councill held at Great Island the 8th May, 1693.

Present

The Lieut. Governor.

John Hincks	Esqrs.	Peter Coffin	Esqrs.
Nath. Fryer		Henry Greene	
Robt. Elliott		Rich. Waldron	

Ordered, That the Treasurer give out his wart to the constables of the frontier Towns to pay out of the moneys by them collected for the rates, to the several Capts. so much money as they have caused to be disbursed for the subsistence of the soldiers, & that the Lieut. Governr or President issue out their warrt. accordingly.

Ordered, That Mr. Coffin & the treasurer discourse Mr. Buckley and demand of him 10 lb. that was ordered to be payd for the subsistence of the soldiers at Oyster River & Exeter, out of the Massachusetts pay.

Ordered, That a day of Humiliation be kept throughout this Province, and that an order be issued out accordingly for Tuesday next come fortnight.

Ordered, That the General Assembly be prorogued until the last Tuesday in July next, and that they doe not meett according to the last Proroguegation.

The Lieut. Governr demands to know by what due course of Law Matthew Carey was discharged, — he having been committed for so high a crime as his mittimus expresses.

Resolved, It was done by order of the Presidt and Councill.

Ordered, That a Letter be sent by Mr. Hincks to the Governor and Council of Conettecott to desire their assistance as to provisions and money.(1)

(1) [The following seems to be a copy of the letter sent by Mr. Hincks, addressed to the Governor of Connecticut.]

Hon'ble Sirs —

By and with the advice of their Maj'ties' Council for the Province of New Hampshire, I here lay before your Excellency the great hardships & difficulties the inhabitants of this Province labor under: Sir Wm Phipps, Governor of the Massachusetts Bay in New England, having all this winter aided and assisted this Province with about ——— soldiers, whom this Province has been at the charge of maintaining, has now (though in the greatest time of danger) drawne off the same, and lett this Province wholly to defend itself, which it is not able to do, unless aided and assisted by some other of the neighboring Provinces; for that the Indian and French enemies are frequently making incursions and desolations, cutting off our frontier places and the Inhabitants thereof.

We therefore request your Excellency (it being for their Maj'ties' service and the preservation of their subjects here) to afford such assistance to the Province of New Hampshire, by sending some soldiers & provisions, as your Excellency shall think necessary for their aid and relief. And on the like occasion we shall be ready to assist you as occasion shall offer to the utmost of our ability. Expecting your speedy answer I subscribe, gentlemn your humble servant. J. U.

Ordered, That the Treasurer give order to the constables of Hampton for to discount out of the prsent Rates in their hands, the sum of 10 lb. 14s. 8d., being soe much already disburst by the Inhabitants, and that he charge the several garrisons, to whom the same was delivered, therewith; & that an order be issued out to the Treasurer accordingly.

B. II. p. 56.

Province of New Hampshire.

By John Usher, Esq. Governr & Commander-in-chiefe of sd Province, and Vice Admirall of the same.

These are, in their Maj'ties name to require and command you, Capt. Thomas Packer, to grant and issue forth your Warrant, directed to the clerke of your company, to levy by distress and sale of the several persons goods hereunder mentioned, the sum of five shillings on each person, for their not appearing with their arms, on Thursday the 11th day of May, instant, according to an Act of the Assembly entitled an Act for settling the Militia; and hereof you are not to fail at your perill. Dated this 18th day of May, 1693.

William Comes
Ferdinando Husse
George Snell
William Richards
Benjamin Sargeant
Daniel Fogg
Samuel Smith
Hugh March
Thomas Lewis
Samuel Sackford
Joseph Sheward
John Miller, sen.
Joshua Broune
Samuel Babb
Matthew Libbe
Richard Davis
John Ham
John Jackson, sen.
Peter Babb.
Richard Waterhouse, jun.
John Clarke
Richard Claye
Daniel Duggins
Daniel Libbe
John Geere
Samuel Rawlings
Robert Almery
John Plasted
John Jackson
John Libbe
Richard Rogers
Thomas Pickering
Hugh Bamfield
James Layton
Henry Savage
Nathaniel Knight
William Davis
Marke Hunkins.

B. II. p. 57, 1693.

At a Councill held at Great Island the 30th day of May, 1693.

Present

The Lieut. Governor

Nath Fryer Robt. Elliott Peter Coffin	Esqs.	Henry Greene Nathl. Weare Willm Vaughan	Esqs

Ordered, That the Treasurer pay James Randall out of the treasure soe much money as will make up what he has already rec'd, the sum of 100 lb. toward paymt. of his Bill.

The Councill being this day informed, that, pursuant to an order of Council made the 17th of March last, for making the Great Island a Towne, the Grant of the same was prepared and engrossed: the which, being read this day in Councill and none making any objection why the same should not be signed & sealed—save Major Vaughan, who desired his dissent might be entred against the passing the same, for that he thinks the King's Commission gives liberty to the Lieut. Governr to make Towns but not to divide Towns; whereupon the Lieut. Governr in Councill signed and executed the same grant.*

* CHARTER OF THE TOWN OF NEW CASTLE.

[Copied from the original, written on parchment, in black-letter or old English. Furnished by Rev. LUCIUS ALDEN, of New Castle.—ED.]

WILLIAM AND MARY, by the Grace of God, of England, Scotland, France and Ireland, King and Queen, Defenders of the Faith, &c., to all people to whom these presents shall Come Greeting. Know yoe that Wee of our especiall Grace, certain knowledge, and meer motion, have Given and Granted And by these presents as farr as in us lyes, Doo give and Grant to our beloved Subjects, Men and Inhabitants, within and upon Great Island, within our Province of New Hampshire, in New England, and the lands to them belonging, Running from a point of Land there on the South side of Saggamores Creek, called Sampsons point, and from thence Southwest by the outside of the fenced land of Saggamores Creek to the head of Aaron Moses field to an old Hemlock Tree by the side of the Road way, and from thence upon the aforesaid Southwest point to the Road way, between Sandy Beach and Greenland, leaving Greenland about three miles to the Westwards soe forwards upon the same point to Hampton Bounds, and then East to the Sea, that the same be a Towne Corporate by the name of New Castle to the men and Inhabitants thereof forever. And Wee doe by these presents Give and Grant unto the said Men and Inhabitants of our Towne of New Castle, all and every, the streetes, lanes and highways within the said Towne, for the Publique use and service of the Men and Inhabitants thereof and travellers there, together with full power, lycence and authority to the said men and inhabitants within the said towne forever, to establish, appoint, order and direct the establishing, making, laying out, ordering, amending and repairing of all streetes, lanes, highways, ferry plees and Bridges, in and throughout the said Towne, necessary, needful and convenient for the Men and Inhabitants of the said towne, and for all travellers and passen-

B. II. p. 61.

At a Council held the 1st of August, 1693.

Present

John Hincks, Esq. Prest.

Nathl. Fryer Robt. Elliott Peter Coffin Henry Greene	Esqs.	Nathl. Weare Wm. Vaughan Richd. Waldron	Esqs.

The other House having sent up a Bill for raising 200 lb.; upon

gers there: Provided always that our said Lycence soe as above granted for the establishing, making and laying out of streetes, lanes, highways, ferry places and Bridges, be not extended or construed to extend to the taking away of any person or persons Right or Property without his, her, or their consent, or by some knowne law of our Province: To have and to hold and enjoy, all and singular, the premisses aforesaid, to the said Men and Inhabitants of the said Towne of New Castle and their successors forever, Rendring and paying therefore unto us, our heirs and successors, or to such other office or officers as shall be appointed to receive the same yearly, the annual quitt rent or acknowledgement of Owne Peppercorn in the said Towne, on the five & twentieth day of October, yearly, forever. And for the better order, rule and government of the said Towne Wee doe by these presents Grant for us and our successors unto the men and Inhabitants of the said Towne, That yearly and every year upon the first Tuesday of March, forever, they, the said men and Inhabitants of our said Towne shall elect and choose by the major part of them two sufficient and able men, householders in the said Towne, to be Constables for the year ensuing, which said men so chosen and elected shall be presented by the then next precedeing Constables to the next Quarter Sessions of the Peace, to be held for the said Province, there to take the accustomed oaths appointed by Law for the Execution of their offices, under such penaltyes as the Law of our said Province shall appoint and direct upon refusall or neglect therein. And Wee doe by these presents Grant for us, our Heirs and successors, unto the men and Inhabitants of the said Towne, That yearly and every year upon the said first Tuesday of March, forever, they, the said men and Inhabitants of our said Towne, or the major part of them, shall elect and choose three men, Inhabitants and householders, within our said Towne, to be overseers of the poor and highways, or selectmen for our said Towne, for the year ensueing, with such powers, privileges and authorities as any overseers or selectmen within our said Province have and enjoy or ought to have and enjoy. And Wee doe further by these presents Give and Grant for us, our Heires and successors, unto the men and Inhabitants of the said Towne and their successors, forever, That they shall have and enjoy and use the Ferry the days of the Fairs of New Castle, aforesaid, forever, to be held there every Wednesday, and one Fair for two dayes, to witt, on the first Tuesday and Wednesdayes of July, forever, together with all issues and profits to the said Market and Fair accrewing or happening, and all liberties and free customs, priviledges and emoluments to the said Market and Fair belonging or appertaining: To have and to hold the said Market and Fair with issues and profits and liberties and free customs, priviledges and emoluments to the same or either of them accrewing or happening, belonging or appertaining to the said men and Inhabitants of our said Towne of New Castle and their successors, forever. In testimony whereof Wee have caused the Seal of our said Province to be hereunto affixed. Witness, John Usher, Esqr., our Lievetennt. Governor and Commander in Chiefe of our said Province at our said Towne of New Castle, the thirtyeth day of May, in the fifth year of our Reigne, Annoque Domi, 1693.

JN. USHER.

By the Lievt. Governours Command,
THO. DAVIS, Sec'ry.

reading the same, the other House was sent for; — whoe, attending —

The Presid[t] desired to know what should be done with the 200 lb.; say, 118 lb. was to pay the treasurer; the rest to goe to defraye the charge of the out garrisons which they conceive would be sufficient for 2 months.

Mr. Waldron is excused from attending the house until Thursday next. Adjourned to 10 o'clock, tomorrow.

At a Councill held the 2[d] of August, 1693.

[Present—the same except Rich. Waldron.]

That it be referred to Mr. Elliott and Mr. Coffin to consider of the Bill sent from the other House concerning the importation of goods from Boston, & to report what they think fitt to be done therein.

Adjourned to 10, tomorrow.

[Present — the same]

Adjourned to 12, tomorrow.

B. II. p. 62.

At a Council held the 4th of August, 1693.

Present

John Hincks, Esq. President

Nath[l]. Fryer, Rob[t] Elliott, Henry Greene, } Esqs.

William Vaughan, Rich[d] Waldron, } Esqs.

The Bill concerning Ministers &c. sent from the other House, being agreed to as it was, sent down.

The Bill for preventing profanation of the Lord's day, agreed to by both Houses.

The Bill concerning the Post Office, sent from the other House, to which this House concurs.

An addition to the Bill to compel constables to gather the Rates sent up & agreed to by the other House, as it was sent down.

Ordered, That the Secretary carry the several Bills to the Lieut. Governr.

Adjourned to 10 o'clock, tomorrow.

At a Council.

The Councill being moved that a leave may be given for the freeholders of New Castle to convene together and choose commissioners, selectmen, and other officers, for carrying on the Prudential affairs of the town — the which was granted.

That the Treasurer pay for the use of the House and man's attendance.

B. II. p. 64.

At a meeting of ye Councill at G^rt. Island, the 25th Augt. 1693.

Present — John Hincks, Esq. President

Nathl. Fryer, Robt. Elliott, Peter Coffin } Esqrs. Wm. Vaughan, Richd Waldron } Esqs.

Upon advice from ye Lt Govern^r. that Col. Fletcher has given information to ye Government of Boston of his fears of some of ye 5 Nations being drawn over to the French enemy, & that a considerable number of French and Indians are come over the Lake(1) with a design of an attack upon some of these his Majesties' Provinces: For ye better security of their Maj'ties' subjects within this Province, it is ordered That the several Capt^s. & committees of Militia in the respective towns, doe take especial care to continue their Garrisons, watches, wards and scouts; & that ye soldiers posted in ye frontier garrisons doe continue in their several posts till further order.

PROVINCE OF THE MASSACHUSETTS BAY, IN NEW ENGLAND.

[1693.]

The Submission and Agreement of the Eastern Indians, at Fort William Henry in Pemaquid, the 11th day of August, in the fifth year of the reign of our Sovereign Lord and Lady, William and Mary, by the grace of God, of England, Scotland, France, and Ireland, King and Queen, Defenders of the Faith, &c. 1693.

[Copied from Math. Mag., Vol. II. pp. 625-626. Hart. Ed. 1853.]

"Whereas a bloody war has for some years now past been made and carried on by the Indians within the Eastern parts of the said

(1) [The "Five Nations" of Indians were composed of Mohawks, Oneidas, Onondagas, Cayugas, and Senecas; they inhabited at that time in Western New York and about the shores of Lake Ontario, and were classed under the general name of Iroquois.]—ED.

Province, against their Majesties' subjects, the English, through the instigation and influences of the French; and being sensible of the miseries which we and our people are reduced unto, by adhering to their ill council: We, whose names are hereunto subscribed, being Sagamores and Chief Captains of all the Indians belonging to the several rivers of Penobscote and Kennebeck, Amarascogen and Saco, parts of the said Province of the Massachusetts Bay, within their said Majesties' soveraignty, having made application unto his Excellency Sir William Phipps, Captain General and Governour-in-Chief in and over the said Province, that the war may be put to an end, do lay down our arms, and cast ourselves upon their said Majesties' grace and favour. And each of us respectively for ourselves, and in the name and with the free consent of all the Indians belonging unto the several rivers aforesaid, and of all other Indians within the said Province, of and from Merrimack River unto the most easterly bounds of the said Province: hereby acknowledging our hearty subjection and obedience unto the Crown of England; and do solemnly covenant, promise and agree, to and with the said Sir William Phips, and his successors in the place of Captain General and Governour-in-Chief, of the aforesaid Province or territory, on their said Majesties' behalf in manner following: viz.

"That at all time and times for ever from and after the date of these presents, we will cease and forbear all acts of hostility towards the subjects of the crown of England, and not offer the least hurt or violence to them, or any of them, in their person or estate: But will hence forward hold and maintain a firm and constant amity and friendship with all the English.

"*Item.*— We abandon and forsake the French interest, and will not in any wise adhere to, join with, aid or assist them in their wars or designs against the English, nor countenance, succour or conceal any of the enemy Indians of Canada, or other places, that shall happen to come to any of our plantations within the English territory, but secure them, if in our power, and deliver them up unto the English.

"That all English captives in the hands or power of any of the Indians, within the limits aforesaid, shall with all possible speed be set at liberty, and returned home without any ransom or payment to be made or given for them, or any of them.

"That their Majesties subjects the English shall and may peaceably and quietly enter upon, improve, and forever enjoy all and singular their rights of lands, and former settlements and possessions within the eastern parts of the said Province of the Massachusetts Bay, without any pretensions or claims by us, or any other Indians, and be in no wise molested, interrupted or disturbed therein.

"That all trade and commerce, which may hereafter be allowed between the English and Indians, shall be under such management and regulation as may be stated by an Act of the General Assembly, or as the Governour of the said Province, for the time being, with the advice and consent of the Council shall see cause to direct and limit.

"If any controversie or difference at any time hereafter happen to arise between any of the English and Indians, for any real or

supposed wrong or injury done on one side or the other, no private revenge shall be taken by the Indians for the same, but proper application be made to their Majesties government upon the place, for remedy thereof, in a due course of justice; we hereby submitting ourselves to be ruled and governed by their Majesties' laws, and desire to have the benefit of the same.

"In the full manifestation of our sincerity and integrity in all that which we have herein before covenanted and promised, we do deliver unto Sir William Phips, their Majesties Governour as aforesaid, Ahassombamett, brother to Edgeremett, Wenongahewitt, cousin to Madockawando, and Edgeremett, and Bagatawawongon, *alias* Sheepscoat John, to abide and remain in the custody of the English, where the Governour shall direct, as hostages or pledges for our fidelity, and the true performance of all and every the foregoing articles, reserving liberty to exchange them in some reasonable time for a like number, to the acceptance of the Governour and Council of the said Province, so they be persons of as good account and esteem amongst the Indians as those which are to be exchanged. In testimony whereof, we have hereunto set our several marks and seals the day and year first above-written.

EDGEREMETT
MADOCKAWANDO
WASSAMBOMET of Navidgwock.
WENOBSON of Teconnet, in behalf of MOXUS.
KETTERRAMOGIS of Narridgwock.
AHANQUIT of Penobscot.
BOMASEEN
NITAMEMET
WEBENES.
AWANSOMECK,
JOHN WING
NICHOLAS MANNING.
BENJAMIN JACKSON,
ROBIN DONEY
MADAUBIS,
PAQUAHARET, *alias* NATHANIEL
JOHN HORNYBROOK,
JOHN BAGATAWAWONGO, *alias* SHEEPSCOAT JOHN,
PHILL. OUNSAKIS, Squaw,
Interpreters."

B. II. p. 112.

At a Councill held at New Castle on Monday, the 8th of Jan. 169¾.

Present

John Hincks, Esq. President

Nathl. Fryer, Robt. Elliott, Peter Coffin, Nathl Wear } Esqs.

Henry Green, Wm. Vaughan, Richd Waldron } Esqs.

Ordered, That whereas there has been presented unto this Board a petition from Eliza^th Fabens concerning the proof of her will, in that Capt. Packer hath taken from her the sum of three pounds for probate of s^d will; that Capt. Packer forbear to grant any Probate of Wills, or Letters of Administration, till farther ordered; & that he attend this Board on the last Tuesday this inst., to answer the s^d complaint.

Ordered, That Capt. Walton attend this Board on the last Tuesday in this month to give an acc^{t}. of their Maj'ties' stores.

Capt. Smith's acc^{tts}. for two soldiers posted at Edward Hilton's garrison & billeting, am^{t} to £3: 17: 0. was allowed, and it is ordered that the Treasurer pay the same.

Ordered, That Mr. Elliott, Mr. Wear, and Mr. Green inspect the Treasurer's acco^{tts}; and to return an acco^{t} of the same to the next Councill Board.

Ordered, That the dep^{t} Secry give orders from this Board to the Committee of Militia of each frontier towne that they take care that the several garrisons be kept in repaire; & where any be defective to be amended as the Militia think fitt.

Ordered, That Mr. Richard Waldron should draw up a letter to be sent for England.

Mr. Richd Waldron having drawn up a letter to be sent for England, it was read in Councill and approved of.

Ordered, That the deputy Secretary transcribe the said letter fairly, with copies of the order of Council sitting on 4th December last, to be sent for England: which letter is on file.(1)

B. II. p. 113.

At a Councill held at New Castle
the 2^{d} February, 169¾.

Present
The Lieut. Govern^{r}.

Jno. Hincks, Nathl Fryer, Robt. Elliott, Peter Coffin, } Esqs.

Hen. Green, Nathl. Wear, Wm. Vaughan, Rich. Waldron, } Esqs.

The Lt. Govern^{r} demanded of this Board the state of the Province since he went from hence:

Mr. Rich. Waldron answered, that it was as his Honor had left it: —*nemine contradicente* [No one contradicting].

The Lt. Govern^{r} made a speech and presented a letter which he wrote to Sir Wm. Phipps and Councill, which was read in Councill concerning the running of the line between the Province of Massachusetts and New Hampshire: and ordered it to be entered(2).

(1) The letter cannot now be found. — Ed.

(2) [The following imperfect minute, B. II. p. 65, seems to be the substance of the letter referred to.]—Ed.

"His Majesty having granted his Royal commission to Samuel Allen, Esq. Governor and commander-in-chief of all that part of the Province of New Hampshire within

Ordered, That the selectmen of Hampton take an acc^t of what persons live three miles of this side of Merrimack River.

The petition of widow Fabens was read in Councill concerning Capt. Packer's taking three pounds for Probate of a Will. It being debated in Councill, Mr. Peter Coffin declared that he judged the same was through ignorance, & that the money ought to be returned to the widow: *Nemine contradicente.*

Ordered, That Capt. Tho. Packer return back the money to the widow.

Ordered, That the fees as on the list is for granting administration, &c. be the stated fees for the Judge & Secretary for Probate of wills & granting letters of Administrations.

Capt. Pickerings petition was read in Councill concerning fees. The Ltt. Govern^r asked, What fees he would have allowed? Capt Pickering answered that he thought two *s.* was enough for serving a writ.

Whereas that Capt. Pickering did in his petition say, that he knew of no fees settled by the General Assembly; — the order for the settlement of fees was read in Councill out of the General Assembly Booke.

Capt. Walton appeared before the Board as ordered to give acc^t of their Maj'ties' stores: The Lt. Govern^r asked this Board if there was any complaint of his embezzling their Maj'ties' stores.

Mr. Waldron answered, Noe. *Nemine contradicente.*

the dominion of England, in America, being and extending itself from three miles northward of Merrimack river or any part thereof unto the Province of Main, with the south part of Isle a Shoals, and power of Admiralty within said Province — whether the bounds from 3 miles northward of Merrimack river to Province of Maine should be asserted and maintained; and the Inhabitants within the — and bordering upon the town of Hampton shall be assessed by the town of Hampton, to pay rates and taxes in the said town."

Under date, "New Castle, November — 1693" is found also the following letter, B. II. p. 66] — Ed.

"Province

New Hampshire. Gentlemen — I am directed by order of the Lt. Governor and Council of this Province to acquaint your Excellency and Council upon receipt of yours dated the 7th inst. signed by Isa. Addington, secretary, concerning the running of the Bounds between the Province Hampshire, and the Province Massachusetts Bay: the honorable Jno. Usher, Esq. Lt. Governor of this Province is requested to discourse your Excellency or any other persons, commissionated for the purpose about running the lines between the two Governments; that so, between this and the last Tuesday of March, the same be accomplished; — there being persons commissionated for effecting the same — which is the needful at present.

Gentlm. your humbl servant

REDFORD, Deputy Secretary.

"To his Excel. Sr. Wm. Phipps,
Governor and Councill,
in Province Massachusetts Bay."

The Ltt. Govern^{r} declared to the Board that the reason for his not staying here, was that the Province had not made provision for support of the honor of the King's government; and that upon all emergent occasions for calling a Councill, they ought to give him notice of the same for his directions therein; & that Capt. Walton was not to render an acc^{t} to none but himself, except there was a complaint that he had imbezzled the King's stores.

Capt. John Woodman's petition was read concerning billeting a soldier.

Ordered, That Capt. Woodman's account be received, and that Thomas Foottman [?] be listed as soldier in the forte in the mean time.

The Lieut. Govern^{r} motioned to this Board of a citadel to be built in this fourt.

Referred untill further consideration till the next Assembly.

The Lieut. Govern^{r} asked of this Board whether they had any thing to offer for the service of their Maj'ties' in this Province.

The Board answered, Nothing.

The Lieut. Govern^{r} having demanded as above to know if any thing to offer for their Maj'ties' service; acquainted Mr. Hincks and the Councill that he found they had passed an order contradicting the order for the secrt^{y} going home for England.

Mr. Hincks replied, It was an order of Councill.

The Lieut. Govern^{r} declared he was not to admit of it, and then made his speech,(1) viz:

And then dismist the Council.

B. II. p. 117.

At a Council held at New Castle, April 12th 1694.

Present
The Lieut. Governor

Nathl Fryar, Robt. Elliott } Esqs.

Peter Coffin, Wm. Vaughan } Esqs.

The Lieut Govern^{r} declared to this Board, that the occasion of his coming into the Province at this time was by the death of Mr.

(1) The speech is not found on record.

Martin,(1) who was Judge of the Superior Court, and that there may not be a hindrance or stop to the proceedings of said Court by his decease, to appoint another Judge; and in the next place, for settling of the Garrisons.

The Lieut. Govern^r demanded the state of the Province since he went hence; and if any thing of importance had hapned in this Province since he went;

Answered — As his Honor had left it.

The Lieut. Govern^r proposed to this Board for a Committee to be chose to receive the claims of such to whom the Province is indebted to.

Ordered, That a committee be appointed to receive the claims of such to whom the Province is indebted to, to lay the same before the Lieut. Govern^r and Councill at the next General Assembly.

Ordered, That the Rates that are not gathered into the treasury shall be for the paying of the soldiers.

Ordered, That the Treasurer prepares his acc^t to lay the same before the Lieut. Govern^r and Councill at the next General Assembly.

The Lieut. Govern^r asked the Board if they had any thing to offer for their Maj'ties' service in this Province.

Motioned, That watching and warding at Fort Wm. & Mary was burdensome to the town of New Castle, and desired some redress therein.

Ordered, That there shall be six men impressed for their Maj'ties' service in watching and warding at fort Wm. & Mary, and to be paid out of the public revenue.

Ordered, That all garrisons be fitted up for the security of their Maj'ties' subjects, on the penalty as the law directs for neglecting the same. Ordered, That the order be sent to the Militia of each town for the same, by the Deputy Secretary.

Dismist.

(1) *Richard Martyn* was appointed a Judge of the Court of Common Pleas, and took his seat as such at the December and March terms, 1692; and June, 1693. Before the August term, 1693, he was appointed Chief Justice, and sat as such at the August and September terms. And on the 30th of October, 1693, he was appointed Chief Justice of the Supreme Court of Judicature, and presided in the courts held October 31, and November 14, 1693, and held the office till his death, April 2, 1694. [See Biog. Sketch, by Hon. S. D. Bell, N.H. Hist. Coll., Vol. VIII. pp. 311-317.] — Ed.

B. II. p. 127.

At a Councill held at New Castle, May 18th 1694.

Present
The Lieut. Governor.

Nathl. Fryar, Robt. Elliott, Peter Coffin } Esqs. Nathl. Wear, Richard Waldron } Esqs.

The Lft. Govern^r spoke to the Board, (viz.) Having showed you how their Maj'ties' Fourt is out of repaire, therefore demand whether it be not out of absolute necessity forthwith for the security & defence of the place, to fortifie the breast works of their Maj'ties' Fourt where their Maj'ties' great guns are, for the safety of the place and of their Maj'ties' subjects; the which place is not secure in case an enemy should invade us.

Answered by the Council, Yes; — It is of absolute necessity.

B. II. p. 128.

At a Councill held at New Castle, May 19th 1694.

Present
The Lieut. Govern^r

Nathl. Fryar, Robt. Elliott, Peter Coffin, } Esq. Nathl Wear, Rich. Waldron, } Esqs.

Ordered by this Board, That Capt. Shadrach Walton be allowed seven pounds ten shillings per annum for doing service in their Maj'ties' Fourt as gunner; so to continue until there be another appointed for that particular office.

The Lft. Govern^r asked the [treasurer] if he had any orders for taking to himself the sum £18: 14s.? Ans^d. Noe.

The Lieut. Govern^r asked if those was the rates all he presented to the Board ?(1) Ans. yes.

The Lieut. Govern^r demanded of the Treasurer, if he had paid any money to Capt. Dow according to warrant? Ans. He had not paid him.

The Lieut. Govern^r asked, whether he had orders for paying six and thirty pounds for clamps, when the said work was not done, and the acc^t was presented to the Board. Ans. he had Mr. Hincks order.

(1) This question, in the original, is interlined, and is obscure.

The Lieut. Govern^r asked, if he had any warr^t to pay Capt. Pennie £5:0:0? Ans. No, there was an order of the Councill.

The Lieut. Govern^r demanded whether there was any warrant or order of Councill for paying Mr. Jose £8:7s:0? Ans. Noe.

The Lieut. Govern^r ordered the Treasurer to withdraw.

The Lieut. Govern^r demanded of the Councill whether the eighteen pounds, fourteen shillings charged for attendance at the Fourt should be allowed? Ans. It was not to be allowed.

The Lieut. Governor ask^t the Councill whether the thirty six pounds charged for clamps ought to be allowed? Ans. It is irregular and not to be allowed.

The Lieut. Govern^r demanded, whether the eight pounds, seven shillings payd to Mr. Jose ought to be allowed? Ans. It ought not to be allowed.

The Lieut. Govern^r sent for the Treasurer and acquainted him that there was one hundred & one pounds, eighteen, and nine pence of their Maj'ties revenue in his hands; and that he had issued money out of the King's Treasury contrary to the King's instructions, and had refused to pay money by virtue of his order, by order of Council.

B. II. p. 130.

At a Councill held at New Castle,
May 21st, 1694.

Present
The Lieut. Governor.

Nathl Fryar
Robt Elliott
Hen. Green
Peter Coffin
} Esqs.

The Lieut. Govern^r acquainted this Board that on the 20 and 22^d inst. he received Letters from Boston which gave him acc^t that his wife was very ill, confined to her bed; that she grew worse rather than better, [and was a question whether she would recover(1)] upon which he was going for Boston; and demanded whether they had any thing to offer for their Maj'ties' service in this Province before he went. The Board was silent.

(1) The clause in brackets seems to be erased. In Church Records of Hampton, among marriages by Rev. John Cotton, is the following: "March 11, 1698-9, the honorable Jno. Usher, Esq. and Madam Elizabeth Allen," — whence we infer that the wife above referred to died. — Ed.

The Lft. Govern^{r} proposed to this Board to make choyce of a person to oversee the work at the Fourt. — Ans^{d}. Capt. Walton, Ew^{d}: Randolph.

The Lieut. Govern^{r} proposed, whether it was not convenient for some one to advance £20: 00: 0. to be payd out of the impost & excise; and that the person have the same, &c., for his security. Ans^{d}. Yes, it was convenient.

The Lieut. Govern^{r} asked the Board if they was not willing for warrants to be issued out, to raise twenty men to work at the Fourt; to be relieved once a fortnight?

Ordered, That warrants be issued out for to impress 20 men to worke at the Fourt.

Ordered, That Obadiah Mors be payd 16d. for mending the touch-holes of the Great Guns.

Ordered, That ye dep^{y} secr^{y} be payd 7: 0: 0.

Ordered, That the house where the Assembly sat be payd.

Ordered, That Jno. be paid for his attendance at the Assembly.

The grant for the Township of Kingston was read and ordered to have the seall affixed.

Dismist.

B. II. p. 132.

[The following paper is endorsed, — "The Lieut. Gov: speech, May 21st."]

As you have the less to say to my speech, so you give me occasion at present to say less to you than intended: Butt, you having spent days to give answer to my speech, hope you will not judge it hard if itt be 14 days before I compleat my answer fully to your Text: the which text you have done well to put me in mind of. I shall begin wth your text, 14 Lu. 28, — for wch of you intend to build a tower and sitteth not down first to count ye cost — I, therefore acquaint you, by & with the advice of the Councill, judge it of absolute necessity to repair and secure their Maj'ties' Fourt, according to the power granted in the King's Commission; signifye to you, according to your answer to my speech, to make choice of 2 persons to join with 2 others of this House to set down and count the cost that they may lay before this Assembly a particular account of the same; — therefore expect your choice & returne of the names so chosen to his Board.

B. II. p. 133.

[The following is endorsed — "The Lt. Gover^s Speech to the Assembly, May 23^d, 94."]

Gentl^n —

By virtue of the King's Commission and Instructions to me granted, I doe demand of this Assembly to raise the sum of seven hundred and two pounds: viz. Two hundred and two pounds due from ye Province as by acc^t, for the breastwork of their Maj'ties' fourt; and a place for the King's stores, one hundred pounds: and for a scons(1) to secure the great guns & the King's stores, four hundred pounds. Your answer hereto desire may be despatched either as to the whole or part above proposed: ye repairing of the Fourt, &c. being judged by myself & Council to be of absolute necessity for their Maj'ties' service and security of their Maj'ties' Province.

B. II. p. 135.

[The following paper is endorsed, — "1694, speech to ye Council as sending secretary to England."]

New Castle . . . . .

Having now spentt near one year and ½ in this Goverum^tt, to this day I have not received 1d. from it for the support of it; though laid before yourselves and the Assembly last sitting, that I had spent about 200 lb. money outt of my own estate, besides expense of time; and y^tt in ye money laid outt in ye King's Fourt, Wm. & Mary, by constant following the finishing of the same, the country had about 700 lb. by my care saved them.

And having offered to yourselves and Assembly to propose some ways that I might lay before the King, how the place might be preserved and the honor of the government supported, and can obtain no answer, but only an evasion pretending poverty:

I therefore now acquaintt you, judge its for his Maj'ty's service to present to the King an acc^t of my proceedings from step to step, & likewise a true acc^t (as I apprehend) of the state and circumstances this Government is in: and that it may be soe done, have thought proper to send the Secretary by this conveiance:

And you, Mr. Secretary,(2) is ordered to prepare yourself for to goe by this conveiance to present to their Maj'ties the state of the Province; & expect your return again in ye spring.

(1) *Sconce* — "A fort or bulwark; a work of defence." — *Web. Dic.*

(2) Thomas Davis was Secretary from 1692 to 1696.

B. II. p. 137.

[The following paper, without date,(1) is endorsed,—
"The Assembly's Answer to the Lt. Governor's proposals."]

To the Honble Lieut. Govern^r & Councill
of their Maj'ties' Province of New Hampshire.

We, the Representatives of this their Maj'ties' Province, being by special order convened in Assembly to receive in charge what might offer for their Maj'ties' service & for the benefit of their subjects in this Province:—We, have taken into our most serious consideration what hath been recommended to us from your Board: and, being sensible of the necessity of taking suitable measures according to our capacity, for defraying the necessary charge arising for preservation and defense of this their Maj'sties' Province; have past one Act for continuing impost, excise and custom for one year: Also, have past one Act for raising forthwith seven hundred pounds; which, with what is in the treasury and arising from custom, impost, &c. together with one hundred pounds more or less in the State Treasurer's hands; We humbly conceive will pay the Province just debts, according to what appeared before us, and likewise maintain sixty men for six months with provision and ammunition, and one third part of their pay, if demanded, according to the proposals of the Govern^r & Councill of Massachusetts, to send us the said sixty men for our assistance & defense against our French and Indian enemy, of whose invasion upon us there is great cause to fear.

As for other matters layd before us, as matters are circumstanced, the Province is not capable to raise supplies for those ends, the rate now made being the greatest ever was raysed in this Province, notwitstanding of our being greatly wasted & impoverished by the present war; therefore do humbly pray, that yor Honors will please, by Address, spread before their Maj'ties our most deplorable condition; and do pray that such methods may be taken for the preservation and defence of this their Province, as they in their wisdom, with the advice of their most honor^ble Privy Council shall think meet.

Past by the House,

JOHN PICKERIN, Clerk.

(1) Probably passed during session of Assembly, 1694.

B. II. p. 115.

[Letter about Mast-trees.]

Superscribed. "To our very loving Friend Samuel Allen, Esq. Governor and Commander-in-cheife of their Maj'ties' Province of New Hampshire in New England, in America, and the Council there: And to the Governor and Commander-in-chiefe of that Province, for the time being."

After our hearty commendations: It having been humbly rep-represented to her Majesty by the Memoriall of John Taylor, merchant, that being under contract with the commissioners of the Navy for a yearly supply of New England masts, bowsprits, &c. he has further for the introducing the building of ships in those parts, fitted a place, and has caused a ship fit for a fourth rate to be built there: and has transported thither carpenters and smiths for the continuing the said work. But that he has been obstructed in his said undertaking by the Deputy Governor of their Maj'ties' Province of New Hampshire: We have, therenpon, received his Maj'ty's commands to signify his royal pleasure unto you, that you take care that the said John Taylor or his agents within your government, be not any ways molested or interrupted in the legal prosecution of their trade for naval stores for their Majesties service and for the building of ships in these parts: and, that for the better performance of their Maj'ties' service herein, you give them all due countenance and assistance in their said undertakings. And so, not doubting of your ready complyance herein, we bid you heartily farewell.

From the Council Chamber in Whitehall, the twenty-fourth day of May, 1694, in the sixth year of their Majesties' reign.

Your very loving Friends.

LEEDS. P.
SHREWSBURY
H. GOODRICKE
J. BRIDGEWATER
I. TRENCHARD
CHAS. MONTAGUE.

B. II. p. 116. N. Hampshire, in New England, 9ber 1694.

May it please your L^d^ships:

Upon your L^d^ships signification of their Majesties' Royal pleasure, that Jno. Taylor or his agents within this government, be

not any ways molested or interrupted in the legal prosecution of their trade for Naval Stores for their Maj'ties' service, and for the building of ships in these parts; but that wee give them all due countenance and assistance in their said undertaking; in obedience thereto, we forthwith passed an order in Council accordingly, not knowing of any obstruction given to any agent sent over in ye business, so as to give occasion of complaint; but instead thereof, those carpenters, smiths, &c. brought hither for that service, have been (in this time of war) freed from watching and warding and impresses, which all other ye inhabitants of this Province are necessitated for their own defence and preservation, to attend.

Indorsed—"Letter to England
9^br 1694."

B. II. p. 138.

At a Councill held at New Castle, July 17, 1694.

Present
The Lieut. Governor.

Nathl Fryar, Robt. Elliott, Hen. Green } Esqs.
Nathl. Wear, Rich^d. Waldron, } Esqs.

The Left. Govern^r declared that the reason of his calling of this Council, at this time, was to lay before them the action of Capt. Long, & as on file.

The Lieut. Govern^r read a warr^tt to require Geo. Long to show by what commission he wore the King's Union Flag on board his ship: As see on file.

The Lieut. Govern^r read another warr^tt to apprehend said Long for contempt: As on file.

Several evidences concerning Capt. Geo. Long was read in Councill, and the persons sworn before this Board: as per the evidences filed. Said the contempt of the Governor's warr^tt was a high contempt, and ought not to be suffered.

Ordered, by this Board, That any persons who have committed any contempt, violence against the King's Government in this Province, shall be prosecuted according to law; whensoever they may or should be taken or *ceased*(1), viz. Geo. Long and those that have been abettors with him in the late rebellious action, this inst July.

The Lieut. Govern^r demanded of the Judges and Justices (of

(1) Seized?

this Board) that they should see the Law prosecuted con^{t}: Geo. Long and his abettors accordingly.

Pennie excepted against that sentence in his evidence, viz. He valewed him not one blast of his breech.

B. II. p. 139.

At a Councill held at New Castle, July 20th, 1694.

Present
The Lieut. Govern^{r}.

Nathl. Fryar } Esqs. Robt. Elliott }

Nathl. Wear } Esqs. Wm. Vaughan }

The Lieut. Govern^{r} proposed to the Board, for sending a post to Sir Wm. Phips to give him an acc^{tt} of the present news, and to desire 100 men for assistance. N. W. ans^{d}. he did not know whether it was necessary to send for men, it being a public war.

Ordered, That an express be sent to Sir Wm. Phips, accordingly.

Whereas there was a warr^{tt} from the Lent. Govern^{r} to Maj. Wm. Vaughan to ride to visitt the garrisons: Maj. Vaughan's return was red & filed.

Capt. Thomas Packer having an order to march with men to the relief of Oyster River, made his return wch was read and is on file.

The Lieut. Govern^{r} proposed to issue out a warr^{tt} for the persons to go to Garrison and to take care of the stock of ammunition. Answered, the law was sufficient enough.

In answer to the petitions from Tho. Edgerly of Oyster River, and sundry persons of Lubberland — as on file:

Ordered, That there be twent^{ie} men appointed to relieve and secure the garrisons petitioned for, of Oyster River.

The Lieut. Govern^{r} proposed to the Board to make a Brief(1) for supply of the poor people of Oyster River.

The Board answered, It was very convenient and necessary.

Dismist, at 3 o'clock.

(1) *Brief*— A letter-patent from proper authority, authorizing a collection or charitable contribution of money in churches, for any public or private purpose." — *Web. Dic.*

At a Council called, ditto diem,
at 4 o'clock.

Present — THE SAME.

The Lieut. Governor read a letter from Sir Wm. Phips in answer to his letter sent by Post concerning the attack on Oyster River, bearing date July 19th, 1694, in which was expressed; — "I cannot order the detaching or impressing men to serve in your Province."

B. II. p. 140.

At a Council held at
New Castle, July 24, '94.

Present
The Lt. Governr.

Nathl. Fryar, Robt. Elliott, Peter Coffin } Esqs.
Nathl. Wear, Wm. Vaughan, Richd Waldron } Esqs.

The Lt. Governr made a speech — as on file. 2 letters to Sir Wm. Phips; one of 18th inst. and one of the 20th inst. The Lieut. Governr read a letter from Sir Wm. Phips, dated, July 19th.

A petition from Capt. Woodman concerning the destruction of Oyster River, was read in Councill. (1)

(1) The following is Dr. Belknap's account of this terrible destruction: "Oyster River is a stream which runs into the western branch of the Piscataqua; the settlements were on both sides of it, and the houses chiefly near the water. There were twelve garrisoned houses, sufficient for the defence of the inhabitants; but, apprehending no danger, some families remained at their own unfortified houses, and those who were in the garrisons were but indifferently provided for defence, some being even destitute of powder. The enemy approached the place undiscovered, and halted near the falls on Tuesday evening, the 17th of July. Here they formed into two divisions, one of which was to go on each side of the river and plant themselves in ambush, in small parties, near every house, so as to be ready for the attack at the rising of the sun; the first gun to be the signal. John Dean, whose house stood by the saw-mill at the falls, intending to go from home very early, arose before the dawn of day, and was shot as he came out of the door. Their firing, in part, disconcerted their plan; several parties, who had some distance to go, had not then arrived at their stations; the people in general were immediately alarmed, some of them had time to make their escape, and others to prepare for their defence. The signal being given, the attack began in all parts where the enemy was ready.

"Of the twelve garrisoned houses, five were destroyed; viz., Adams's, Drew's, Edgerly's, Medar's, and Beard's. They entered Adams's without resistance, where they killed fourteen persons: one of them, being a woman with child, they ripped open. The grave is still to be seen where they were all buried. Drew surrendered his garrison, on the promise of security, but was murdered when he fell into their hands; one of his children, a boy nine years old, was made to run through a lane of Indians as a

The Lieut. Governor's warrant to Capt. Woodman for posting twentie soldiers, and to take the command of them at the garrisons at Oyster River.

The Lieut. Govern^rs letters to Sir Wm. Phips, bearing date the 21st and 23^d inst. was read in Councill.

Wm. Stoughton, Esq. his letter to the Lieut. Govern^r, dated Boston, July 22^d read in Council, that he had ordered forthwith, 100 men for our relief.

mark for them to throw their hatchets at, till they had despatched him. Edgerly's was evacuated; the people took to their boat, and one of them was mortally wounded before they got out of reach of the enemy's shot. Beard's and Medar's were also evacuated, and the people escaped.

"The defenders' houses were nearly all set on fire, the inhabitants being either killed or taken in them, or else, in endeavoring to fly to the garrisons, some escaped by hiding in the bushes, and other secret places. Thomas Edgerly, by concealing himself in his cellar, preserved his house, though twice set on fire. The house of John Buss, the minister was destroyed with a valuable library. He was absent; his wife and family fled to the woods and escaped. The wife of John Dean, at whom the first gun was fired, was taken, with her daughter, and carried about two miles up the river, where they were left under the care of an old Indian, while the others returned to their bloody work. The Indian complained of a pain in his head, and asked the woman what would be a proper remedy; she answered, *occapee*, which is the Indian word for rum, of which she knew he had taken a bottle from her house. The remedy being agreeable, he took a large dose and fell asleep; and she took that opportunity to escape, with her child, into the woods, and kept concealed till they were gone.

"The other seven garrisons, viz., Burnham's, Bickford's, Smith's, Bunker's, Davis's, Jones's, and Woodman's, were resolutely and successfully defended. At Burnham's, the gate was left open; the Indians, ten in number, who were appointed to surprise it, were asleep under the bank of the river at the time that the alarm was given. A man within, who had been kept awake by the tooth-ache, hearing the first gun, roused the people and secured the gate, just as the Indians, who were awakened by the same noise, were entering. Finding themselves disappointed, they ran to Pitman's defenceless house and forced the door at the moment that he had burst a way through that end of the house which was next to the garrison, to which he with his family, taking advantage of the shade of some trees, it being moonlight, happily escaped. Still defeated, they attacked the house of John Davis, which after some resistance he surrendered on terms; but the terms were violated, and the whole family either killed or made captives. Thomas Bickford preserved his house in a singular manner. It was situated near the river, and surrounded with a palisade. Being alarmed before the enemy had reached the house, he sent off his family in a boat, and then shutting his gate, betook himself alone to the defence of his fortress. Despising alike the promises and threats by which the Indians would have persuaded him to surrender, he kept up a constant fire at them, changing his dress as often as he could, showing himself with a different cap, hat, or coat, and sometimes without either, and giving directions aloud, as if he had a number of men with him. Finding their attempt vain, the enemy withdrew, and left him sole master of the house which he had defended with such admirable address. Smith's, Burnham's, and Davis's garrisons, being seasonably apprised of the danger, were resolutely defended; one Indian was supposed to be killed, and another wounded by a shot from Davis. . . . The Indians finally withdrew, having killed and captivated between ninety and an hundred persons, and burned about twenty houses, of which five were garrisons." *Farm. Belk.* pp. 138-141. [See further details of this "destruction," and other attacks on Oyster River, in subsequent papers. Also *Hist. Mem. Dover Enquirer*, Nos. 129, 130, A. H. Q.]

Lt. Col. Pierce his letter from Newberre, was red in Councill concerning raising of men; intimating that no men did voluntary apear to come for relief.

Duncan Cambell's letter from Boston was read — as on file — intimating the Mohauks had made peace with the French and were false?

The Lt. Govern^r acquainted the Board, that it is expected, if the soldiers come, we must raise provision for them; and that if they should come, if it were not necessary, to raise some men here, to march wth them to discover the enemie by ranging of the woods; and desired the Board to consider of these affairs

Ordered, That if Bread can be got for the soldiers, coming from Boston, then it is to be provided, otherwise they are only to be posted at the garrisons, for security of the garrisons.

Ordered, That if the soldiers come from Boston between this & Friday morning, that 100 men shall be raysed to march and range the woods wth them, under the command of Capt. Thwing.

The Lieut. Govern^r proposed to secure the cannoes along shoare, that the Indians may not transport themselves over the river.

Not consented to.

Ordered, That warrants be issued out for detaching 100 men, viz. out of Hampton, 50; out of Exeter, 20; out of Portsm^o, 30;

Ordered, That they randezvous at Exeter with four days provision, to range the woods and *hed*[?](1) the towns and rivers from thence to Newichawannock river.

The Lieut Govern^r proposed if the men did not come from Boston, whether they should march with 16 men to range the woods.

Judged it not safe.

The Lieut. Govern^r acquainted the Board of sundry persons that was imprest for their Maj'ties' service, that had deserted the Province, and desired their advice what was to be done therein.

Answerd: That if any persons after they are imprest desert the service, and fly into the other Provinces, advice thereof should be sent to the other government, so that they may be apprehended, and sent back again.

Adjourned until 8 of the clock, July 25.

(1) *Head* — sometimes means the source or farthest part of a thing. Perhaps it means here the extreme bounds of towns, and sources of rivers.—Ed.

*Letters relating to the Massacre at Oyster River.**

Portsmo. July 18th, [1694]

Just now arrived a post from Oyster River. The Indians have destroyed the place killed & burned all they could. Nere—— have Escaped and are too badly wounded doe not Know but they be all over our ffrontiers.

wait yr. Honors Motion

THO. PACKER.

May please yor Exy:

9 in ye Morning New Castle July 18th: 1694.

Just now have Received the Enclosed acco. our province all in arms desire your Exy forthwith to [send] one or Two hundred men with Arms & Aminition for the defence of the place and to pursue the enimie: we fear Severall other or Towns in the province are besett . . . . . went from ye head of Oyster River to ye mouth of it on both sides. Tho. Edgerly and his son wounded making their Escape and judge the whole place is Cut off.

Nott doubting of Yor Ready Assistance I subscribe yor Exys Humbl Servat.

JOHN USHER.

To Geo. [Gov.] Phipps.

May it Pleas yor Excell. [rec. 21 July, 1694.]

Since the Lft Governrs of 18th inst. anoth is come to our hand. The Indians verie numerous. Not less than three hundred. Douie who signed the Peace was there, a woman who was Douie's servant made her escape, by reason of his being drunck. Saith Douie did tell her that they did expect 600 Indians more, that the Mangwaits were joined with them, and judge some Southern Indians were there. There is two Fryars among the Indians who after victory said Mass twice, the Indians did spred 6 or 7 miles, and engaged all at once. Oyster River in a manner Ruined, only about 20 houses left, the rest layd waste. unless we have a supply of men from yourself Oyster River must be deserted. If Oyster River be deserted, the Enimie will have an inlett to the whole Country, for the Majests Service and Security of the Country desire you would forthwith Supply us with one hundred men, wth ammunition & Provision to be posted for preservation of these Out places. we are dispatching some souldiers into our Outward Garrisons, according to the ability of this Province upon the Alarms wth all expedition. We dispatched from the Severall Towns one third of the Militia in this Province for Releafe of Oyster River, but before they came here the Enimie was drawn

* Copied from Hist. Mem. in *Dov. Enq.*, by A. H. Q., No. 130.

of and could not be met with; its Judged Eighty persons Killed & taken, abundance of cattle Killed. last night three Indians seen, severall Guns fired. Judge the Enimie is still bordering upon us, but we want assistance to pursue them, the Enimie being so numerous. Desire that orders may be given to Justices and all Constables for the dispatch of Expresses: Not doubting of yor Rediness to assist us, we being ready to afforde our assistance according to our ability, to your parts case the Enimie should Invade yours.

Wee Crave your answer by this—ers
By order of the Lt. Governr & Councill
Wm. Redford: Dept. Secry.

B. II. p. 142.

At a Council at New Castle,
July 25, 1694.

Present
The Lt. Governr

Nath. Fryar, Robt. Elliott, Peter Coffin } Esqs.
Nathl. Wear, Wm. Vaughan, Richd Waldron } Esqs.

The Lt. Governr declared to the Board that yesterday it was appointed, that if the men came from Boston, there should be one hundred men raised to join with them, to range the woods, &c., for the impressing of which men, the Lt. Governr delivered a warrant to Maj. Wm. Vaughan.

Ordered, That Mr. Elliott provides 8c.(1) of bread for the soldiers.

The Lt. Governr proposed to the Board for apointing of fees for those men that have workt at the fourt as day laborers, that they might have ticketts for their wages.

Ordered, That the workmen shall be allowed 2-6 per diem, and the masons 3s. per diem.

The Lt. Governr declared to the Board that the king's commission declares that the Lt. Governr and Councill shall appoint officers for collecting the King's customs, & displace any and apoint others, &c.; and that Mr. Estwick refused the Lt. Governr to see the acct. of what duties of impost since May last; and for copies of receipts of Mr. Partridge for powder, money, &c., which he tooke as a contempt.

(1) Eight hundred.—Ed.

Answered: That they never knew any apointed for that office; nor knew that Mr. Estwick was in that place.

The Lt. Govern^r demanded of this Board to appoint an officer for collecting the duties of impost in this Province, and proposed Capt Cobbett.

Ordered, That Capt. Cobbett be appointed the officer for collecting the duties of Impost in this Province.

The Lt. Govern^r proposed to this Board that an order should be issued out to the selectmen of each Town to inspect the towne stock, and in case any want or defect to be immediately supplied.

Ordered, That warrants be issued out accordingly.

The Lt. Govern^r desired of the Councill that whenever they are upon the attack of any place, they immediately dispatch an Express to him.

The Lt. Goven^r askt the Board, if they had any thing to offer for their Maj'ties' service.

The Board answered, nothing:

B. II. p. 143.

The Councill called and sat the same day, at 7 of the clock past meridian.

Present — The Lt. Govern^r

Nathl. Fryar, Robt. Elliott, Peter Coffin } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

The Lieut. [Governor] acquainted the Board that he had received accts. from Capt. Packer of a track of the Indians discovered at Greenland; that this occasion was the reason of calling them, and that he thought it convenient to raise men forthwith to pursue the enemy this night, and desired the Councill to give their opinion thereon.

The Councill declared it is necessary, and to be done forthwith.

The Lt. Govern^r proposed where the men should meet to Rendezvous.

Advised — at Joseph Berrie's house at Greenland; so to march under the comand of Capt. Thwing to range the woods between Exeter, Hampton & Portsmouth this night.

Ordered. The Council was dismist.

B. II. p. 74.

Grant of the Town of Kingstown.

Wm. & Mary by the Grace of God, of England, Scotland, France & Ireland, King & Queen, defenders of the Faith &c.:—to all people to whom these presents shall come, greeting: Know ye, that we, of our especial grace, certaine knowledge, & meer motion, for ye due encouragement of settling a new plantation, by & with the advice & consent of our Council, have given & granted, & by these presents, as far as in us lies, do give and grant unto our beloved subjects, Isack Godfrey, Tho. Philbrook, jun., Gersham Elkins, Saml. Colcott, Tho. Webster, Saml. Derbon, Wm. Godfrey, Jacob Garland, Jno. Mason, Ebenezer Webster*, Nathl. Sanbourn, Benj^{a}. Sanbourn, Jno. Moulton, Danl. Moulton, Francis Touse, & severall others of their Maj'ties loveing subjects that inhabitt & shall inhabit wthin the s^{d} Grant within our Province of New Hampshire, all that tract of land, to begin from seven miles westward of the meeting-house now standing in Hampton, from thence to run a due course west & by north ten miles into the country, for its breadth four mile northerly from the head point of the west line, from the s^{d} meeting-house, and southerly within three miles of the northermost side of Merrimack River, and that the same be a Town corporate by the name of Kingstown†, to the persons hereund^{r} named, & others of their Maj'^{ties} subjects, that do & shall inhabit, forever; and we do by these presents give & grant unto the s^{d} men & Inhabitants of our s^{d} town of Kingstown, & to such others as shall hereafter inhabit, all & every the streets, lanes & highways wthin the s^{d} Town for the publick use & service of the men & Inhabitants thereof, & travilers there, together wth full power, lycence & authority to the s^{d} men & inhabitants, and such as shall inhabit wthin the s^{d} Town, forever, to establish, apoint, order and direct the establishing, making, layeing out, ordering, amending, preparing of all streets, lanes, highways, ferrie places & bridges in & through't the s^{d} Towne, necessary, needfull & convenient for the men & Inhabitants of the s^{d} town, and for all Travillers and Passengers there, *Provided* allway that our s^{d} lycence as above granted for the establishing, making & layeing out of streets, lanes, highways, ferrie places & bridges, be not extended or construed to extend to the takeing away of any person or persons right or property wthout his, her or their consent, or by some known Law of our Province, to have & to hold all and [—] all & singular the premises fores^{d}, to the same men and inhabitants, or those that shall inhabit the s^{d} Town of Kingstown, and their successors for ever: Rendering and paying therefor unto us our Heirs and successors, or to such other officer or officers as shall be apointed to receive the same yearly, the annuall Quitt rent or acknowledgment of one pepper corn in the s^{d} Town, on the five & twentieth day of October yearly forever. And for the better order, rule and government of the s^{d} Town, we do by these

* The ancestor of Hon. Daniel Webster.

† "This Grant comprehended what now forms the towns of East Kington, Hawke, and Sandown."—*N. H. Gaz.*

presents grant for us & our successors, unto the s^d^ men and Inhabitants or those that shall inhabitt the s^d^ Town, that yearly & every year, upon the first Tuesday in March forever, they the s^d^ men & Inhabitants & such as shall inhabit of the s^d^ Town, shall elect & chuse by the major part of them, two sufficient & able men householders of the s^d^ Town, to be constables for the year ensuing, wch s^d^ men so chosen & elected, shall be presented to the next Quarter Sessions of the Peace to be held for the s^d^ Province, there to take the accustomed oaths appointed by Law for the execution of their offices, under such penaltyes, as the law in our s^d^ Province shall direct, upon refusal or neglect therein. And we doe by these presents, Grant for us our heirs & successors unto s^d^ persons & Inhabitants, and such as shall inhabitt in s^d^ Town, that yearly & every year, upon the s^d^ first Tuesday in March, forever, they the s^d^ men & Inhabitants of our s^d^ Town, or the major part of them shall elect & chuse three inhabitants & householders w^th^in our s^d^ town to be overseers of the poore, and highways, or selectmen for our s^d^ Town for the year ensuing, wth such powers, privileges and authority as any overseer or selectman within our s^d^ Province have & enjoye, or ought to have and enjoy. In testimony whereof we have caused the seal of our s^d^ Province to be hereunto affixed.

Witness our Lft. Govern^r^, Jno. Usher, Esq., Commander-in-Cheife of our s^d^ Province, at the Town of New Castle, on the ———

[Granted August 6. 1694.]

Past, & ordered to be ingrost:
in behalf of Councill,
Wm. Redford, D. S.

B. II. p. 145.

At a meeting of the Commanders
of the Militia of this Province at N. C.
[New Castle], August 6th 1694.

The Lt. Govern^r^ acquainted them the occasion of calling them at this time, was to consult of, &c. what is to be done for the safety of the Province; and in case an enimie should attack us, to consider what number of men can be raised to pursue upon an attack: and proposed that ½ of the men to be detacht to pursue, if the enemie should attack us.

Advised — One half of the men to be detacht, upon an attack of the enemie.

The Lt Govern^r^ askt their advice whether to pursue the enemie, or to head (1) the body of Indians.

Concluded that 100 men shall be apointed to pursue, and a great^r^ body to head the enemy.

(1) *To head* — To go in front of; to get into the front in order to stop.—*Web. Dic.*

The Governor proposed for provision: viz. 4 cwt. Bread for each town, to be ready for a march.

Advised its very convenient & to be provided; and that notice hereof be given to the selectmen of each town.

The Lt Governr proposed to call the companies together, to see whether they are provided with arms & amunition according to law.

Advised — that all the Capts doe inspect their respective companies to see whether they are provided accordingly; by sending their serjt. & clerk to see whether they be provided, as above.

Capt. Dow	80
Thwing	50
Packer	80
Gerrish	60
	270

B. II. p. 146.

At a Councill held at New Castle, August 10, 1694, at 12 of the clock.

Present

The Lt. Governr.

Nathl. Fryar, Robt. Elliott, Peter Coffin, } Esqs

Wm. Vaughan, Richd. Waldron, } Esqs

Gentlemen — I give you an acct of all my proceedings since I came here last: and read the same.

Having issued warrants to Maj. Vaughan to visitt the garrisons in Hampton, Exeter, Oyster River, Dover, &c.; wch accordingly he did and made return.

As to Portsmo and New Castle, I have visited there: see some garrisons not yet repaired: which I desire some care may be taken therein.

My occasions calling me to Boston, they suffering much by my absence, and finding the country will not give me bread to eat, do therefore acquaint you, I design for Boston; and in case you desire me to endeavor a supply of men from that Government for this Province, shall use my endeavors, if you desire it; and in my absence Capt. Fryar, being Commr-in-Chief he, with yourselves, is to take care of the governmt in my absence.

The Board desired the Lt. Governr to endeavor a supply of men from Boston for security of this Province.

The Lieut. Govern^r acquainted the Board that —— Torlington, constable of New Castle, had offered a great contempt to himself, in impressing his saddle, when he had notice it was the Lt. Governor's, and had no warrant to impress it: and that he lookd upon it as an affront to him, being invested with the King's commission.

The Constable owned he took the saddle, and Mr. Cobitt acquainted him, it was the Governor's saddle, and not to meddle with it.

The Board advised, Captain Fryar should take the examination of Richd Torlington and bind him over to the Quarter Session; and in the mean time to be of good behaviour.

Ordered, That Danl Duggin be paid for 36 days work at fourt Wm. & Mary.

Ordered, That Jonathan Whidden be paid for 3 days' work at their Maj'tie's fourt, Wm. & Mary.

Ordered, That John Marden be paid for 3 days work at their Maj'tie's fourt, Wm. & Mary, as a laborer.

Ordered, That Capt. Walton be paid 50*s* for his attendance as purser of the workmen at their Maj'ties' fort.

The Lt. Govern^r declared, that whereas Capt. Jno. West and Jno. Long, arriving in two mast ships from England on the 8th or 9th instant, and to this day have not made their entry according to acts of Parliament, 15 Caro. 2: I having given notice to Mr. Phesant Estwick, Dept. Dist. Collector of the same, and ordered him to make seizure of the ships & goods, which is not done; therefore acquaint this Board that due care be taken on his Maj'ty's behalf therein.

Their Maj'ties' letter being read in Council

Ordered, That John Taylor or his agents be not any ways molested or interrupted in the legal prosecution of their trade for Naval stores for their Maj'ties' service, & for the building of ships in these parts; but that they have given them all assistance in their due undertaking.

The Lieut. Governor made a speech, &c.

B. II. p. 148.

At a Councill held at New Castle
August 11th, 1694.

Present

Nathl. Fryar, Esq. President.

Robt. Elliott, Peter Coffin, Hen. Green } Esqs.

William Vaughan, Richd. Waldron } Esqs.

The President acquainted the Board of what the Lt. Governor spake concerning the Mr [master] of mast-ships not showing their clearings to him, as to acts of Parliament.

Ordered, That notice be given from the Board, to the officers thereto appointed, that they take care that if the master of the mast ships complained of, omit their duty in the breach of any of their Maj'ties' Laws, they be prosecuted [according] to law.

The Council was dismist.

B. II. p. 149.

Boston, 2d October, 1694.

Gentn

This day Wm. Stoughton, Elisha Cooke, Isaac Addington, Esqs. discoursed with myself relating to supply ye Province Hampshire with men &c. for reliefe and defence of ye Province: whoe, I acquainted that I was desired by yourselves, to make aplication to Sir Wm. Phips & Council, for men and ammunition & provision for your posts; whoe signified to me that their law had now made provision for supply of, and reliefe to other places, and that they were ready and willing to the same; but withal, do judge the Province Hampshire ought to pay for men, amunition and provision, proportionable with themselves, of which are desirous to know what may be done therein; & withal acquaintt me that many soldiers whoe had been in the Province to serve itt, were very ill treated; the which I am altogether ignorant of.

That there may be no neglect on my part, accordingly writ to Capt. Fryer to call you, gentlemen of the Council, to consult what may be proper to be done therein, as to ye whole or part; and upon receipt of your conclusions and result therein, and notification from yourselves, what may be proper for me to doe, I shall withal readiness doe that which may be for the preservation and well-being of ye Province; and that no time may be neglected, your speedy answer hereto will be requisite:

which is all at present from
Gentn yrs.
John Usher.

B. II. p. 150.

Boston, 18th October, 1694.

Gentln.

Yors of 13th instant is come to my hands—in which take notice of your willingness to bear a proportionable part according to ye present circumstances of ye Province; & that when an Assembly is called, you hope nothing will be wanting according to your circumstances & ability of the Province: In answer to which I shall be ready and willing to doe what may be proper for their Maj'ty's service and good of the Province.

Therefore, upon signification to me from yourselves, when that itt may be proper and convenient to have an Assembly called, I shall returne to the Province Hampshire and issue out precepts accordingly.

Had you, in yours 13th instant, signified when you desired an Assembly might be called, for their Maj'tie's service, I should have dispatched for accomplishing the same; however, in ye mean time, I shall endeavor to inform my self from this Government, what they judge proportionable, soe that itt may be duly considered and provided for; and your answer hereunto by first opportunity is expected, by, Gentlemen, yor friend

JOHN USHER.

Superscribed—"For Capt. Natheniel Fryer
Commd-in-chief, Prest. of the Council,
Province of Hampshire.
In their Maj'ties' service."

B. II. p. 151.

New Castle, 3d, 9br, 1694.

Honble Sir

Being informed by our Lt. Governr of your readiness to give us assistance against the common enemy, upon our signification of what number of men we desire, and what we will contribute to the charge thereof;—we say:

That having late advices of ye enemy's design against us, and hearing from the Eastward that ye Indians encamped are already out, whom we may hourly expect to make an attack upon us; wee think it necessarily incumbent on us to consider and do what may be most proper for defence of their Maj'ties' subjects; & for-asmuch as this Province, being a frontier to the enemy both at sea & land, is at extraordinary charge for soldiers to strengthen the

upper towns, and keep their Maj'ties' post at New Castle in a posture of defence against a sea invasion; besides the constant watching, warding and scouting of our inhabitants, which takes up much of their time: considering also that the preservation of this Province will be very much for their Maj'ties' interest, as well as the loss will be detrimental to your own Government, by giving the enemy the greater encouragement & advantage against you,—wee therefore now make our application to you, and desire that for their Maj'ties' service, you would please forthwith to send us 60 soldiers for the better defence of this Province; and, notwithstanding the great charges aforesaid daily growing upon us, we shall take care for supply of said soldiers with provision and amunition during their continuance within this government. An answer hereto we pray by this messenger.

Superscribed — "Letter to
Sir Wm. Phipps 9br 3d, 1694."

B. II. p. 152.

Honrble Sirs.

Yours of the 3d currant was this day laid by his Excy before the Board, wherein you propose to be assisted with sixty soldiers from this Province; and that you will subsist them and supply ammunition; representing the extraordinary charge you are at, and the difficulties attending their Maj'ties' subjects within your parts by frequent passing upon duty: In all which you cannot but be sensible that we have much more to say on behalf of this Province; besides that our outposts, which we are at very great expense to support, are no little security to your Province; however, are willing to give what assistance we are able, to our neighbors and fellow subjects; and have advised his Excy that he give orders for levying the numbers of men you desire — expecting that over and above what you propose for subsistence and ammunition, you do further advance one third part at least of their pay; which you cannot think to be out of proportion, but will be readily consented to by you. His Excy is about to prepare orders for raising of the men, who will be got ready with what speed may be, and desire your answer to these:

By order of his Excy, the Governor and Council,

Isa. Addington, Secy.

Boston, November 6th, 1694.

Superscribed — "For their Maj'ties service.
To the Honble John Usher, Esq. Lieut. Governor, the
Councill and Assembly of their Maj^ys Province
of New Hampshire."

THESE.

B. II. p. 153.

[Speech in the handwriting of Lieut. Governor Usher, but without signature.]

New Castle, 6th November, '94

Gentl^n, — Having to the last Assembly presented the then state of the Province and laid before them the absolute necessity of raiseing money for suport of ye Governm^t, repairing of their Maj'ties fourt & payme^tt of Debts due from the Province, (and though there was then a long cession) yet could not prevail for raiseing any money; & having my speech to the then Assembly now recommended to your consideration; — have the less to say.

I judge you are nott unacquainted with the enemy's destroying many of their Maj'ties' subjects at Oyster River since the setting of the last Assembly: shall say, had money ben raised that my hands might have ben strengthened, the enemy should never have gone off without a repulse, as they did. One third of ye Province was ordered for reliefe, and to pursue and kill the enemy; but by reason of the not having of provisions, the soldiers returned without doing any execution. I called ye captains to consult what may be proper to be done in case of another attack by ye enemy: with much difficulty concluded a number should be in readiness to march; but as to provision, could not find any encouragement ye same should be provided.

I have issued out warrants to the several Towns for a number of men to be impressed, to be ready at an hour's warning, for march; and, if the enemy makes an attack while I am in the Province, God willing, I design in person to be att ye head of ye forces appointed to be raised.

Judge one thousand or fifteen hundred pounds will be necessary to be raised; butt as yet not having acc^t what the Province is indebted, nor what rationally may be expected; the which when I am informed of, shall lay perticulars before you.

As to what hath been in my power, hath hitherto endeavored to discharge my duty with a good conscience to God, and my King, for ye good & preservation of this Province: as formerly, soe again, if you strengthen not my hands for support and defence of

the place, if ruin comes, the blaimable cause will not lay att my door.

Att all times have manifested my rediness to serve you to uttermost of my power; having ben ready and willing as to ye powers of the king's prerogative, which is invested in myself, to execute the same for the well-being of ye place.

I shall only add, we have acc^t two bodies of the enemy is out; the which with other circumstances doe require your expedition as to matters laid before you.

And as I assure you, nothing shall be wanting on my part, as to what may be proper for me to do for well being of ye place; (having due regard to the king's honor and prerogative), soe hope nothing will be on yours.

B. II. p. 69.

At a Council held at New Castle
November 3^d, 1694.

Present

The Lieut. Governor.

Robt. Elliott	Esqs.	Nathl. Wear	Esqs.
Peter Coffin		Wm. Vaughan	
Hen. Green		Richard Waldron	

Ordered, That notice be given from this Board to the several towns, viz Portsmouth, Hampton, Exeter and New Castle, and Oyster River, that all persons bring in their claims, what the province is indebted to them since 15th May last, to Capt. Dow, Capt. Packer, Capt. Woodman, who are appointed to receive the same at New Castle, on Tuesday the 6th inst. and that the Committee make return of the same, the same day at 2 o'clock.

Ordered, That those that have, or shall hereafter go express to Boston or elsewhere for their Maj'ties' service, are to be paid out of the public Treasury.

Held by adjornment, 7th inst.

Present — [The same.]

Capt. Henry Dow, Capt. Tho. Packer, Capt. Jno. Woodman, being a committee to receive the accounts of the Province debts since 15th May last made their return — amount — £322 : 19 : 2*d*, as on file.

Ordered, That the soldiers coming from the Massachusetts shall be allowed 24*s* per mo. wages, and not exceeding 3*s* per week for diet.

Held 9th

Present, Lt. Governor, &c.

A petition from Peter Coffin, Esq. was read in Councill and filed.

Ordered, That in answer to Capt. Peter Coffin's petition, that what men he shall bring from the other Province to assist him in getting of masts, shall be protected from impresses as per his protection. [petition?]

B. II. p. 70.

Held by adjornment,
9ber 10, 1694.

Lt. Governor, &c.

The Lieut. Governor proposed to this Board how the soldiers expected, should be received into this Province, and where to be posted.

Ans. That it would be convenient to post a number of them in the room of our men, at Oyster River.

Proposed, How many at Oyster river.

Ans. 3 in a garrison would be necessary.

The Lieut. Governor proposed whether it was not suitable for Maj. Vaughan to receive the soldiers, and to order the posting when they come into this Province.

Ans. It was very suitable for the Major to do it.

The Lieut. Governor proposed to the Board, whether the king's letter ought not to be answered by this conveyance.

Advised, yes; and Mr. Waldron was requested to draw a letter accordingly.

Whereas there was a discourse at this Board, relating whether Capt. Fryar, in absence of the Lt. Governor, was not commander-in-chief, or whether the power was not in the President and Council:

Resolved, That in the absence of the Lieut. Governor, the power of the militia lay in the President and Council, and warrants should be issued by them.

Upon information from the Lt. Governor to this Board, that the masters of the mast ships have not yet entered their ships, accord-

ing to the acts of 15 Caro. II.; he demanded of them their advice and council, what was proposed to be done.

Declared, it concerned not the Council, but the Lt. Governor might issue out his warrant. The Lt. Governor demanded what officer, Mr. Estwick had refused it, should execute the warrant.

Ans. Any officer.

Ordered, that the house and Jno. Cross be payd. Capt. Walton's acc^tt allowed & ordered to be payd. amt. to £76:3:0.

Wm. Redford's acc^tt of £5:14:0. allowed and ordered to be payd.

The Lt. Governor demanded of the Board if they had any thing to offer for their Maj'tys' service.

The Board proposed to fix a time for to warn all persons to come in and make their claims.

Ordered, That notice be given accordingly, for persons to bring in their claims by Thursday come fortnight.

The Lt. Governor acquainted them, that if at any time there should anything happen that required his presence, upon notice he should be ready to come to serve them, and their Maj'ties' interest in this Province.

B. II. p. 161.

Boston, November 12th, 1694.

Sir—Yours of the 8th currant I received, and in answer acquaint you, that there is care taken for the raising of sixty soldiers. Those that are detached out of Col. Gedney's and Col. Appleton's regiment, are ordered to Rendesvous at Newbury on Thursday next, and will be directed to march thence for your Province with speed; others raised in Boston, and the regiments near Boston will be ready on Thursday also, to take the first opportunity to come by water; and the remainder are to come from Plimouth, but cannot be expected here until next week, and then they shall be sent away by water to join with the rest for their Maj'ties' service, with all dispatch that can be.

Your humble servant

William Phips.

To the Honble. the Presid^t^. & Councill of their Maj'^ys^ Province of New Hampshire.

May it please your Honors.

Wee presume you are not ignorant of their Maj^ys^ Commands to yor Governor & selves, y^t^ Mr. John Taylor & his agents here should be countenanced & assisted in their undertaking for supply of their Maj^ys^ Navall Stores, &c.; & have noe doubt of yor ready compliance with their Maj^ys^ Royal pleasure therein; however, wee have now to acquaint you that two of our ships, viz: the ship *Supply* & *Fir-tree* laden with masts &c. for their May^ys^ servis as above, & ready to saile, are by warr^t^. from yor Ltt. Governor both seized; and himself gone out of the Province, which occasions ou^r^ making this Applycation to yo^r^selves, to lett you know that John Long & John West, masters of the ships afores^d^ are now ready to answer what shall be objected against them & to make appear they have attended their dutyes in all respects as ye law requires; & therefore pray noe further interruption in our proceeeding may be given so detrimentall to their Maj^ys^. servis, who have been gratiously pleased to order their ship Nonsuch to convoy us home, & who now only waits our sailing. Soe leaving ye matter to yor Hon^rs^. consideration, hoping you will soe order that their Maj^ys^ servis may be noe longer retarded, but that our ships may be freed to proceed on their voyage.

Wee Subscribe
Your Hon^rs^. most humble servants,

Georg Longe
John Long
John West.

Dated, Nov^r^, 16th. 1694.

B. II. p. 162.

At a Council held at New Castle,
November 16th, 1694.

Present

Nathl. Fryar, Esq. President.

Robt. Elliott,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Wm. Vaughan,	
Nath. Weare,		Rich^d^. Waldron,	

A petition from Capts. Geo. Long & Jno. Long, Jno. West, was read in Council, praying that the ships under seizure may proceed on their voyage — as on file &c. [See petition above.]

In answer thereto, ordered that the sd Geo. Long, Jno. Long & Jno. West have notice from this Board, that the Council have not been concerned in the seizure of sd ships, nor will they be in detaining of them; but give them all due countenance and assistance in their legall proceedings, according to their Maj'ties' command.

Ordered, That an Express be forthwith sent to the Lt. Governor, with the letter, (viz.)

"New Castle, 16th Nov. 1694.

May it please your Honor—

Since your departure hence, we are advised of the seizure of two mast ships by your Honor's warrant, which you may please to remember was contrary to our opinion given you in Council: and now Capt. Long, and the mastrs have made application to us thereabout: copy whereof together with our answer thereto, have here enclosed, that yr Honr may take such measures in the prosecution of that matter, as to you shall seem most meet."

Ordered, That Maj. Vaughan doe post twenty of those soldiers expected from the Massachusetts, at Oyster River; and those belonging to this Province now in service there, be thereupon dismist.

Ordered, That Maj. Vaughan call together the Capts or chief officers of each Town to consider and order what may be most proper for the settling of garrisons, scouts, or aught else that concerns the militia, and may be for the better defence of the Province.

Ordered, That whenever the Major sees cause to ride forth to visitt the frontiers or garrisons, or for any other military service, it shall be in his power to command a guard to attend him; whose quarters abroad shall be payd out of the public Treasury.

Whereas signification is given to the Lt. Governor from this Board, of an application made about the seizure of the mast ships, and the Council's answer thereto:

Ordered, That in case the said Lt. Governor do not prosecute the said seizure according to his warrants for the same, that Capt. Fryar take care the ships be no longer detained, but have liberty of sayling.

B. II. p. 167.

Boston, 19th November, 1694.

Gentl^n—yors of 16th instant rec^d. In answer to which laid before yourselves, according to Acts 15 Caro: II., that Capt. Jno. Long and Jno. West had not made any entry with me, or any appointed by me; and did demand your advice, which was contrary to what you now write. However, as your letter in October last in my absence invested the Government [in] yourselves, in case according to petition, entry had been made, according to said Act (of which I am ignorant) the ships ought not to be detained; of which you having the government in your hands may determine: for I am no ways willing to have any persons obstructed in their legal undertakings; much less those who are employed for their Maj'ties' service: and I being out of the government, cannot give, as by your judgments, any commands or directions, have only to offer: If ye acts be preserved, the ships ought not to be detained; the which I leave wholly to yourselves, to judge and act; having in writing laid before you all that I have to say—which is all at present from, Gentlemen, Your Friend

Jno. Usher.

Nota. As to any thing which may be on forfeiture of the vessels relating to myself, I do wholly relinquish. As to that which relates to the king is left with yourselves to do what is proper: having wholly given the charge and left it with you. J. U.

B. II. p. 163.

At a Council held at New-Castle, November 21st 1694.

Present

Nathl. Fryar, Esq. President.

Robt. Elliott, Peter Coffin } Esqs. Wm. Vaughan, Richd Waldron } Esqs.

Whereas Geo. Long, Jno. Long and John West have made farther application to this Board, That notwithstanding the Council answer to their last address, the mast ships laden with their Maj'ties' stores, are still, by the officers empowered by the Lt. Governor's warr^t, continued under seizure: and whereas signification has been given to the Lt. Govern^r, that the seizure was made contrary to our opinion given him in council; if he saw cause to prosecute the same, we left it to him to take such measures therein as to him should seem meet; but by his answer finding no order for the prosecution of s^d seizure, and nothing appearing to us, but that the masters of said ships have done their duty as the law requires:

Ordered, That the said ships, viz. the Supply, Jno. Long, master, and the Fir-tree, Jno. West, master, be forthwith freed from their seizure, and have liberty of proceeding on their voyage; and all officers concerned therein are to take notice thereof, and conform themselves thereto accordingly.

Whereas Capt. Nath[l] Fryar has supplied a barrel of powder to Maj. Wm. Vaughan, for the use of the soldiers come from the Massachusetts:

Ordered, That Mr. Fryar be paid £12:10:0, by the Treasurer out of the first money gathered into the Treasury.

Ordered, That what arms want mending of the soldiers that are or shall come from the Massachusetts, shall be mended by what smith Maj. Wm. Vaughan shall give order to for the same, and be payd out of the public Treasury.

Boston, 21st. November, 1694.

B. II. p. 168.

Gentlemen—Since mine the 19th instant, have account that the Governor of Canada hath ordered 150 Indians to make an attack upon N. England, which I think good to acquaint you with.

I have likewise to acquaint you, that having in writing laid before you of Capt. Jno. Long and Capt. Jno. West breaking the Act 15 Caro. II., by not entering with the Governor nor any authorized and appointed by him; and yourselves declaring, if entry was not made as the act directed, they ought to be seized by warrant from the Governor to the sheriff or any other officer: and whereas, Capt. Long and West in their petition declares they were ready to make it appear they had attended their duty in all respects as the law requires—of which I am ignorant; yourselves, being invested with the Government, do have the matter with yourselves wholly, to do that which may be proper.

John Usher.

Superscribed—"For their Majesties' service:—To Capt. Nath[l] Fryer, President & Council, in Province of New-Hampshire."

B. II. p. 164.

At a Council held at New Castle,
November 30, '94.

Present

Nath[l] Fryar, Esq., President,

Robt. Elliott, Hen. Green, } Esqs. Wm. Vaughan, Rich[d] Waldron, } Esqs.

In answer to the petition presented to this Board from Jno. Gerrish, Hen. Dow, Tho. Packer, Captains, that the several captains or chief officers in each town are impowered to import bread or wheat to make bread, for four days' provisions for the soldiers, Ordered to be ready to march upon the first advice of the attack ot the enemy: Upon application from Maj. Vaughan of the want of ammunition and provision for supply of the soldiers lately come from the Massachusetts; and there appearing nothing in the treasurer's hands at present to supply the same;—

Ordered, That Major Vaughan be impowered to issue out his warrants for impressing ammunition and provision for the soldiers according as there shall be occasion.

B. II. p. 165.

Held by adjornment Dec. 11th, 1694.

Present

Nath[l] Fryar, Esq., President,

Robt. Elliott, Peter Coffin, Nath[l] Wear, } Esqs. Wm. Vaughan, Rich[d] Waldron, } Esqs.

Ordered by this Board, That every Petition concerning any particular man's affairs, and read in Council, the person offering the Petition shall pay to the Dep. Secr'y one shilling.

Ensigne Wm. Furber's petition relating to the keeping a ferry over from his house to Oyster River was read in Council—and filed.

In answer to Wm. Furber's petition,

Ordered, That Wm. Furber keep a ferry from his house at Welchman's cove, to transport travellers over to Oyster River; and to receive of passengers, viz: for a man three pence, & for horse and man eight pence to land at Mathews his neck; and for such as shall land at Durgin's of the West side of Mathews his neck, shall pay sixpence for a man, and twelve pence for horse and

man; and so to pay the same for returning back: and that the said Wm. Furber keep attendance and a sufficient boat or gundaloe,—so to continue till further orders.

In answer to the petition of the masters of ships and other vessels taking in their lading at Portsm°;

Ordered, That all such masters of vessels bound to foreign parts, shall be allowed their clearings and permitted to sayle without coming to anchor at New Castle.

Adjourned to the 2d Tuesday in Jan'y next, at 12 o'clock.

B. II. p. 74.

Petition of William Graves.

January 8th, 1694-5.

To ye honored President & Council now sitting at New Castle, on ye Great Island.

The humble Petition of William Graves humbly sueeth yt your honours would please to take into your consideration ye distressed estate and condition of your poor Petitioner, who at ye last desolation at Oyster River was wounded by ye enemie, & his estate demolisht; who since hath been a long time with the Chirurgeon for cure & by ye blessing of God hath arrived to a good measure of health; but hath not wherewithall to answear ye Doctor, nor to help himself, humbly craveth some succour & reliefe therein; whereby you will do a very charitable Deed, and oblige him to pray for your honours prosperity.

Your humble Petitioner.
WILLIAM GRAVES.

[The following paper, unfortunately, is without date; but it was found among other papers which render it probable it was drawn up about the time of the Indian Massacre at Oyster River, in 1694 —ED.]

The condition of Luberland* is such: We had a good Garrison last summer, but was cut down and Burnt, and for want of a Garrison the Inhabitants are forced to leave the place and flie for Re-

* "Lubberland."

In answer to inquiries made by the Editor, of Rev. Alvan Tobey, D.D., of Durham, respecting the *locality*, &c., of Lubberland, the following answer was received:

"Lubberland is a well known locality in this town. It is the south-east part of the

fugg. If itt ware possible to save the place, wee, who know the vallue, vallues itt at about four hundred pounds of provisions and movables; provided the cattle Breaks in to ye Corn, itt will be much damage. It is ye generall vote y^t Capt. Matthews should com^d the Garreson. Our request is for 15 or 20 souldiers to assist this place.

Belonging to the place, Betwixt Capt Mathews and Lamp [rell] River, the contents as follows:

Capt. Mathews,	Wm. Durgin and three sons.
Fran: Mathews,	Tho. Morris,
Jo^n. Benicke,	Jo^n Piner,[?]
Jo^n. Doe,	Hen. Marsh,
Samson Doe,	David Davis,
Elias Critchett,	Abra. Benicke,
	Jo^n. Crumwell,
	Jer^i. Crumwell.

town, lying along the shore of the Great Bay. It has no well defined boundaries, but extends two miles or more in length. Formerly it was a more important section or district than now. There is still standing in it one of the garrison houses of Indian war times. It is not in good condition. The logs are considerably decayed; but a family is living in a part of it, or was not long since. It was, I think, the Smith or Ffrost garrison, from the names of the families to whom it belonged.

The widow of Dea. Ebenezer Smith married, for a second husband, Capt. George Ffrost; both lived in the garrison-house; and there are descendants—grand-children—now living, some of them in this town, but not that part of it, — of both the Smith and the Ffrost marriages. Capt. Ffrost, I am told, was Justice of the Peace, and I think was called Judge. He was a prominent man about the time of the American Revolution.

Lubberland is said to have been called formerly *Lovingland*; and the scenery, as you pass around the road from near New Market village (a small part of which is in this town) through Lubberland to Durham Point, is not unworthy of the old name With a good horse or horses and good company, it is made one of the most pleasant rides I know anywhere, by the well cultivated lands on the right hand, extending down to the water; by the broad Bay constantly changing its appearance as you proceed; and by the good farms seen beyond the Bay, in New Market, Stratham, and more extensively in Greenland. On the left hand the land is less cultivated, and rises into broken, hilly and wild pasture grounds. There is no difficulty in identifying Lubberland."

B. II. p. 166.

Held by adjournment, Jan. 10, 1694-5.

Present

Nath[l]. Fryar, President,

Robt. Elliott, } Esqs. Wm. Vaughan, } Esqs.
Peter Coffin, } Rich[d] Waldron, }

Several acc[tts] being past in Council.

Adjourned to Jan[y] 15, 1694-5.

Held by adjournment, Jan. 15, 1694-5.

Present — [The same, with Nath[l]. Weare.]

The claims of such to whom the Province is indebted being past, and an Account taken of what due to the several towns, as by the lists on file: —

Ordered, That the Dep Sec'y send to the Treasurer the several lists, with orders to pay the acc[ts] for service, & sundry disbursements by several of the inhabitants of this Province: viz. of the town of Exeter, amount to £6: 6: 0; to the town of Oyster River, do. £46: 15: 6; to the town of Hampton, £58: 10: 0; to the town of New Castle £44: 5: 9; to the town of Portsmouth, £55: 16: 8; that the treasurer may give out his orders to the several constables to discount & pay the sums annexed to the names of the persons, to those tis due.

B. II. p. 169.

At a Council at New Castle
February 25, 1694-5.

Present

Nath[l] Fryar, President,

Robt. Elliott, } Esqs. Richd. Waldron, } Esqs.
Peter Coffin, } Nathl. Weare, }
Wm. Vaughan, } Hen. Green, }

Ordered, That twenty pounds, twelve shillings, eleven pence, as appears due by Treasurer Patridge's accts. to the men of Hampton out of the former order to Capt. Dow for the payment of £50: 18: 10, be payd, and that the Dep. Sec'ry give out orders for the same.

Ordered, That Capt. Coffin be paid £5: 2: 0, for Planks for the use of their Maj'tys' Fourt, and that the Dep. Secry. give out orders to the Treasurer for the same.

Whereas Maj. Wm. Vaughan has informed this Board that he has lately visited the several Garrisons on the Frontiers of this Province, and finds many very negligent in their watching and warding, and particular that Corn is left in out-houses (exposed to the Enemy,) not within command of any Garrison as the Law directs, Ordered, that the Maj. forthwith doe send out his warrants to the chiefe officers and Committees of Militia in the respective towns, to take care to put the Law in execution, about their Garrisons watching and warding, and removing Corn from out-houses within command of some Garrison, and if any officer neglect his duty therein to order the Fines to be forthwith levied upon such officers according to Law.

Ordered, That the Secretary forthwth give order to the Treasurer for payment of £3: 6: 0, to Mr. Geo. Jaffrey for 3C. bread, put into Maj. Vaughan's hand for supply of the soldiers for sudden march as there may be occasion against the enemie.

B. II. p. 179.

At a Council held at New Castle
April 3^{d}, 1695.

Present,

Nathl Fryar, President,

Robt. Elliott, Peter Coffin, Nathl Wear, } Esqs.

Wm. Vaughan, Rich. Waldron, } Esqs.

Ordered, That whereas sundry the inhabitants of this Province have been at charge for subsisting of ye Massachusetts soldiers in the Frontiers, which charge is to be defrayed out of the Rates & assessments now collected or to be collected according to Act of General Assembly; Ordered, That the Treasurer do forthwth give order to the respective Constables of Dover, Oyster River and Exeter, to forbear the collecting the present Rates & Assessments from such persons as have been or are at the charge of subsisting the Massachusetts soldiers, until further order.

(As the Capt. of such town shall certify.)

Ordered, That the D. S. give orders to the Treasurer for payment of James Kendall ——— and Capt. Woodman £6:4:9.

Boston, 25th Apr, 1695.

Sr

I herewth inclose a lettr weh I desire you to presentt as directed wth my service to ye gentm.

I should have thoughtt there had ben noe papr in yor parts by reason I had nott an acct of affairs in England; butt when I found many Lettrs wth intelligence I was then satisfyed of the contrary.

desire in particular inquire whether one Parker was arived whoe wentt wth the Mast ships and likewise an acctt of ye Mast ships which we dayly exspectt.

be pleased wthoutt faile to send me by ye nextt poste a Copy of ye Commission for Admiralty, because I shall have perticular occation for advice in some matters before I come to yor parts.

God willing design to be in ye province on ye 8th May, and judge shall nott before. not else to ad butt am Sr, yr Friend,

[No address.] Jno. Usher.

Have a case depending nextt week to be heard in Courtt, else would have visited Coll. Archdell sooner than now intend.

B. II. p. 77.

At a Council held at Portsmo:
May 10th, 1695.

Present

The Lieut. Governr.

Nathl Fryar, Robt. Elliott, Peter Coffin, } Esqs.

Wm. Vaughan, Richd Waldron, } Esqs.

The Lt. Governr acquainted this Board that Capt. Everitt had informed him that he understood that the soulrs under his command was sent hither for six mo, weh time being expired, proposed for calling Assembly.

Ordered, That the Dep. Sec'ry issue out writts for calling a Generall Assembly to convene at New Castle, on Wednesday the 15th, at 2 o'clock.

B. II. p. 171.

At a Council [And a Generall Assembly held by prorogation*] at New Castle, May 8th, 1695.

Present

The Lieut. Governr.

Nathl Fryar, Robt Elliott, Peter Coffin, Hen. Green, } Esqs.

Wm. Vaughan, Richd Waldron, } Esqs.

The Lieut. Governr desired of the Board to know if any thing Extraordinary had happened for his Majestie's service in this Province since his departure hence the last time.

Answerd, nothing.

The Lieut. Governr presented to the Board the speeches of the Lds & Coms to his Majesy condoleing the loss of her Majesy with the King's answer thereto.

The Lieut. Governr proposed to this Board that since they had Recd the certain Intelligence of the Queen's death,† if it was not proper and necessary that all writts henceforth should be in the name of Wm. over England &c. King.

Answd in the affirmative.

Ordered, That from henceforwd, all writts are issued out in King Wms. name only.

Ordered, That the Treasurer have notice to prepare his accot to lay the same before the Board on Thursday the sixteenth Inst.

The Lieut. Governr demanded of this Board if they had any thing to offer to consideration for his Maj'tys service in relation to this Province.

The Board was silent.

The Lieut. Governr spake to the Board, that whereas he did not at present understand the affairs of the Province, and the Treasurer being to prepare his accotts. and no time would be lost in visiting the frontier Garrisons and militia of the Province, therefore he dissolves, and they was in his Maj'tys name dissolved.

The Lieut. Governr asked the Board whether it was needful for calling of an Assembly and when.

Resolved, After the Garrisons was visited and the acct of the claims brought in for consideration it might then be necessary for calling of an Assembly for farther consideration.

* This appears to be a meeting of the *Council* alone.

† Queen Mary died December 28, 1694, aged 32.—Ed.

B. II. p. 173.

At a Council held at Portsmouth,
on Thursday the 16th of May, 1695.

Present

The Lieut. Governr.

Nathl. Fryar, Robt. Elliott, Peter Coffin, } Esqs.

Wm. Vaughan, Richd. Waldron, } Esqs.

The Lieut. Governr acquainted this Board that since their last sitting he had recd advice from Capt Everitt, that he understands the soldiers under his command was sent hither only for six months, wch time would be expired on Thursday next.

A Letter was read from Capt. Everitt of May 13th from Exeter, relating to the Contribution of this Province towards the paymt of the soldiers' wages under his Command, besides their accommodations during the time of their abode; that their six months was fully out, and so desire their payment according to agreement, having had nothing yet of supply.

The Lieut. Governr proposed to this Board that since the six months was out, and money failing in the Treasury for paying what's due, and would want if the soldiers was longer kept, whether it was not convenient to call an Assembly to sitt on Thursday next.

After sundry debates in Council, ordered that the Secrety issue out a Writ to the Sheriff for calling an Assembly to sitt at New Castle on Wednesday, the 15th inst. at 2 of the clock.

B. II. p. 175.

At a Council held at
New Castle this 17th May, 1695.

Present

The Lieut. Governor.

Nathl. Fryar, Robt. Elliott, Hen. Green, } Esqs.

Nathl Wear, Rich. Waldron, } Esqs.

The Committee appointed to examine the Treasurer's accts made report they had so done, and layd the same before the Board.

The Council adjourned till to-morrow ten o'clock.

At a Council held at New Castle this
18th of May, 1695.

Present

Lt. Governor.

Nathl. Fryar,	Esqs.	Hen. Green,	Esqs.
Peter Coffin,		Nathl. Wear,	
Robt. Elliott,		Rich. Waldron,	

The Assembly being sent for up, the Lt. Governor was pleased to recommend to their consideration the necessity of raising money for support of the Governmt and defence of their Maj'ty's subjects inhabiting this Province, against their French and Indian enimies.

Upon the reading of a Petition from the Select men of New Castle for settlement of their Bounds between them and the town of Hampton: —

Ordered, That a coppie of the Petition be sent to the Select men who are to give notice to the inhabitants of the Towne of Hampton to choose a person or two, before this Board on Tuesday next, being the 21st inst., to show cause if they have any, why the sd Petition should not be granted.

Ordered, That Mr. Robt. Elliott be desired to take care to provide a convenient boat and oars to be ready upon all occasions that may occur for his Majesty's service, and that the said be paid for out of the Publick Treasury.

The Council adjourned to Monday next at 2 o'clock in the afternoon.

B. II. p. 181.

May 20th, 1695.

Henry Dow and Christopher Palmar in the behalf of the town of Hampton — our reasons why we are not willing the petition of New Castle should be granted.

1st, We are humbly of the opinion that if that petition be granted, the greatest part of that part of the towne on the north side of the great Causway will be utterly undone; for what they desire will come so near us as to take away our principal feeding land, and if we cannot keep cattle, we cannot keep our land to bring us corn, and then no living for us, our living being chiefly upon plowing, sowing, & husbandry.

2dly, We are humbly of opinion that it is our undoubted antient Right which they desire, and that which we have had in our quiet and peaceable possession for about fortie years and upwards of

our own knowledge, and some houses builded upon some part of itt, which we shall endeavor to make appeare.

3dly, Their cattel feed much upon us now, but if they obtaine it to themselves they will build upon every good peice of land, and then our cattel will not only be hunted home by them, as they are now by some of our own town greatly to our damage; but then their cattel will feed home to our lotts' ends, to our own ruin and undoing.

4thly, We are informed that the towne of New Castle, their bounds are granted to Hampton line, and we are sensible that they were sometime part of Portsmouth, and that they should be ignorant where their bounds is seems to be very strange to us, considering it was determined for forty years since by four men, two of Portsmouth and two of Hampton, impowered for that end, as may appear by their determination under their hands, and other evidences and Records about the same, and our peaceable and quiet possession of the same, according to the said determination. Which we leave to your Honors' serious consideration.

B. II. p. 176.

At a Council held at New Castle, May 20th, 1695.

Present

Lt. Governor.

Nathl. Fryar, Robt. Elliot, Peter Coffin, } Esqs.

Wm. Vaughan, Richd. Waldron, } Esqs.

A vote was sent down to the other house, to draw a bill for impowering the Select men in each town to provide Bread by an assessment upon the inhabitants, to be ready for four days' march of those men that are imprest to march upon an attack of the enemie.

Sundry soldiers for subsistance at several Garrisons at Oyster River from the 23d November, 1694, to the 16th May, 1695, amounts to, as per acctt on file, £63: 10: 10 — allowed.

Sundry soldiers for subsistance at Exeter as per acct. on file, from the 26th November, 1694, to the 16th May, 1695, amounts to £79: 19: 9 — allowed.

Sundry soldiers for subsistance at Capt. Gerrish's and Heard's Garrison from the 27th of the ninth month, 1694, to the 10th of May, 1695, amounts to £31: 13: 4 — allowed.

The bill sent down for impowering the Select men in each town to impress Bread for the soldiers detached to march, was sent up again, and was assented to by the Lower House.

Capt Walton's acct. amounting to £68: 1: 0, for himself and soldiers' subsistance at the Fort, was laid before this Board.

Adjourned to-morrow 11 o'clock.

B. II. p. 177.

At a Council held at New Castle
May 21, 1695.

Present

The Lt. Governor.

Nathl. Fryar, Peter Coffin, Robt. Elliott, } Esqs.

Wm. Vaughan, Richd. Waldron, } Esqs.

The Lt. Governr proposed for a Committy to be appointed to draw up the Acts for what bills are passed.

Accordingly, Major Vaughan and Mr. Waldron was appointed and recommendations was sent down for choice of two men to join with those of this House for drawing up the sd bills.

The Lower House made choice of Elias Stileman and Jno. Pickering.

B. II. p. 180.

To the Honble John Usher, Esq., Lieut. Governor of their Maj'tys' Province of New Hampshire, the Council & Representatives of the sd Province convened in general Assembly:

The Petition of Duncan Campbell, Post Master at Boston, on behalf of Andrew Hamilton, Post Master General throughout all the Colonies & Provinces of North America.

Humbly sheweth,

That whereas their Maj'tys by their Letters Patents under the Great Seal of England, have given and granted unto Thomas Neale, Esq., his Execrs. Adminrs. and Assignes, full power and authority to erect, settle and establish within the chief Ports of their respective Colonies & Plantations in America, an office or offices for the receiving & despatching of Letters and Pacquets

and to receive, send and deliver the same under such Rates and Sums of money as the planters shall agree to give; and whereas Andrew Hamilton, of East Jersey, Esq., is deputed and constituted to govern and manage the s^d General Post Office for and throughout all their Ma'^tys Plantations and Colonies in America, pursuant to the directions of the s^d Letters Patents:

And forasmuch as the s^d Andrew Hamilton hath been and is still at a very great charge and expence for the erecting and maintaining of the s^d Post Office in New England, over and above the profits and incomes of the same, and is also at the charge of carrying & conveying all Publick Letters and Pacquets as well to and from the s^d Province of New Hampshire or other parts of New England, free of charge and without any allowance for the same:

In consideration whereof and for the encouragement of the s^d Post Office, all the other Governments in New England (except Rhode Island) have granted a salary for two or three years next coming, to be paid unto the s^d Andrew Hamilton, Esq., out of the Publick Treasury of the respective Provinces and Colonies.

Your Petitioner, therefore, in behalf of the s^d Andrew Hamilton, Esq., humbly prays this Hon'^ble Court to take the premises as also the great benefit the s^d Post Office is to your Province, into due consideration, and that you would also please to order such salary for two or three years next ensuing, to be paid unto the s^d Andrew Hamilton, towards maintaining the s^d Post Office, as in your wisdom shall be judged reasonable.

And your Pet^r shall ever pray, &c.

DUNCAN CAMPBELL.

B. II. p. 182.

In answer to the petition of Duncan Campbell for allowing a salary for encouragement of the Post, a bill past both Houses for allowing 12£ for this year, provided the Post be kept.

In answer to the Petition of New Castle and according to former order, the Select men of Hampton sent Capt. Henry Dow and Christopher Palmer to lay before this Board what objections they had why the said petition should not be granted, as per papers on file, laid aside for farther consideration.

Whereas Capt. Jno. Everitt preferred a Petition to this Board, that they would order him £144: 3: 0, for one third part of pay of the soldiers under his command for the 6 mo. past;

The Board answers, it is not Capt. Everitt's business to make any such demands, it concerning no one to demand any such thing, except the Government that gave him his Commission.

Adjourned to Thursday next, 10 o'clock.

Held May 23d, 1695.

Present

Nath. Fryar,	Esqs.	Nath. Wear,	Esqs.
Robt. Elliott,		Wm. Vaughan,	
Hen Green,		Rich. Waldron,	

The Committee appointed to draw up the several bills sent down to the Lower House on 20th inst. made their report and said bills was sent down to the other House for their concurrence.

The said bills was passed by both Houses and ordered to be ingrost.

B. II. p. 183.

At a Council held at New Castle, May 24.

Present

The Lt. Governor,

Nath. Fryar,	Esqs.	Nath. Wear,	Esqs.
Robt. Elliott,		Wm. Vaughan,	
Peter Coffin,		Richd. Waldron,	
Hen. Green,			

These Bills—viz: a bill concerning Public Houses; a bill for the encouragement of the Post office of allowing a salary for this year of £12:0:0; a bill for providing of Bread for the soldiers and impowering the Selectmen to make assessments on the inhabitants of the said towns for the same; Passed both Houses and assented to by the Lieut. Governor.

Mr. Elliott's account for 3 barrls Tar and a Boat, and Sundrys, was allowed and ordered to be paid, amounting to £7: 14: 0.

Obadiah Mors, his account for casting Bullets, amot to 12sh, allowed, and ordered to be payd.

The Gen. Assembly prorogued until the 2d Wednesday in September next.

B. II. p. 184.

Honble Gentn.

You may please to remember that upon a motion and desire from yourselves for some assistance, there was a detachment of betwixt fifty & sixty men under the command of Capt. John Everet, posted in your Province, your General Assembly having engaged for to subsist and pay them one third part of their wages. The time proposed for their stay there is sometime since elapsed;

I have received nothing from your Government of any desire for their continuance, altho' I wrote unto Lt. Govern^r Usher concerning the same; nor do I understand that they have received yor proportion towards their wages already grown due, or any provision made for the future; and there being occasion for a company of soldiers to wait upon our Commissioners, intended to be sent to Pemaquid on the negotiation there relating to the Indians, I have seen cause upon advisement to send orders to Capt. Everet to attend that service with his company; of which I thought fit to acquaint yourselves, that you may provide for the inforcement and security of your out Posts upon their remove; and expect that for the time past you do advance your proportion towards their Wages before their drawing off.

Your Friend and Servant,

WM. STOUGHTON.

Boston, June 6th, 1695.

President & Council of New Hampshire.

B. II. p. 185.

At a Council held at Portsmouth,
June 12th, 1695.

Present

Nathl. Fryar, Esq., President.

Peter Coffin, Robt Elliott, Nathl. Wear, } Esqs.

Wm. Vaughan, Richd Waldron, } Esqs.

Upon reading a letter from Lt. Governor Stoughton, bearing date, Boston, June 6th, 1695, concerning the payment of ⅓ part of wages for the soldiers posted in this Province, Ordered that an answer be drawn up and sent accordingly, which is as followeth.

Portsmouth, 12th June, 1695.

May it please your Honor:

We have yo^rs of the 6th current, relating to the Massachusetts soldiers here under command of Capt. Everitt, and cannott omitt a grateful acknowledgement of your rediness in giving so necessary assistance for his Maj'ty's service and our preservation; but know of no proposalls for any limited time for the soldiers' continuance here; nor has our Lt. Govern^r been pleased to communicate to us anything your Honor has wrote him thereabout, as to our paym^t ⅓ part of the soldiers' wages; that matter was recommended to our Assembly at their Sessions in May last, and we are informed

by their Speaker that they had passed a Vote in their House for raising of money to pay the same for the time past, and also for some time future, if it might consist with your Honor's pleasure to admit of their continuance among us; but that a Prorogation happened just as they were sending up a bill thereabout. Capt. Everitt has now drawn off his men from our frontiers to Portsmouth & New Castle, and waits only the arrival of the Vessel to attend your Honor's commands for Pemaquid; and if upon the dispatch of that affair you will please to order his return to us, we are well assured our Assembly at their Sessions in September next will take effectual care for payment of our proportion of wages both for time past and future. Your favor herein will be a favor to his Majesty and a great obligation upon the poor inhabitants of this Province.

Ordered, That the Deputy Secret'ry give an order to the present Treasurer to demand of Mr. Partridge what Weights and Measures he has of the Province's in his hands, if he has any.

B. II. p. 187.

At a Council held at New Castle,
July 3d, 1695.
Present
Nath. Fryar, Esq., President.

Robt. Elliott, } Esqs. William Vaughan, } Esqs.
Hen. Green, } Richard Waldron, }

Whereas there was some of the membrs of the Council not present at this Board; the Presidt orders that the Depty Secrey give a warrant to the Sheriff to give notice to the Members of his Majesty's Council to convene at Portsmo on Friday the 5th inst. by 10 of the clock in the forenoon, and to issue out his warrants to the Captrs of Exeter, Oyster River and Dover, to attend the Council at said time and place.

At a Council held at Portsmouth,
July 5th, 1695.
Present
Nath. Fryar, President.

Peter Coffin, } Esqs. Wm. Vaughan, } Esqs.
Robt. Elliott, } Richd Waldron, }

Whereas, ordrs of Council was sent to the Captrs. of Oyster River, Exeter, and Dover, to attend at this Council to give a rela-

tion of the Frontiers about resettling of the Soldiers under command of Capt. Everitt, and of their willingness to subsist them; Capt. Jno. Woodman, Capt. Kingsley Hall and Capt. Jno. Tuttle, appeared at this Board and made returne — that the several inhabitants of Oyster River, Exeter & Dover, were desirous of the soldiers return, and should be willing to yield them subsistance as they are able.

Whereas, by a letter from Lt. Governor Stoughton, he is pleased to inform us that he has ordered Capt. Everitt with his Company to return from Pemaquid to this Province, to continue in his Post here as formerly, but the said orders not reaching Capt. Everitt before his departure from Pemaquid, ordered that an express be forthwith sent to Lt. Governor Stoughton to pray.

B. II. p. 189.

At a Council held at New Castle,
Augt 7th, 1695.

Present

The Lieut. Governor.

Peter Coffin, Robt. Elliott, Hen. Green, } Esqs.

Wm. Vaughan, Richd Waldron, } Esqs.

The Lieut. Govern^{r} spake to the Board viz. that he desired to know if there was anything of moment to offer of anything that had passed since he left the Governm^{t}.

Answered, there was minnitts entered of what had passed.

The Lt. Govern^{r} asked if they had anything to offer for the serving his Majesty and this Government.

Answered, that Scouts would be very necessary to be sent out to disperse the Enemie

The Lieut. Govern^{r} askt if they had any thing to offer for the service of the King or Country.

The Board acquainted the Lieut. Govern^{r} that since he went from hence, the Massachusetts Soldiers were drawn off by an order from Lt. Govern^{r} Stoughton and this Board had desired the Return of Capt. Everitt and his Company, but as yet there is not above 28 men come, but expected the full number.

The Lieut. Governor declared he had acquainted the Militia officers to meet to consider the State of the Province.

Therefore, adjourned unto Thursday 2 o'clock.

B. II. p. 190.

Held by adjournment, Friday
August 8th, 1695.

Present

The Lt. Governor.

Nath. Fryar, Robt. Elliott, Peter Coffin, Hen. Green, } Esqs.

Nathl Wear, Wm. Vaughan, Richd Waldron, } Esqs.

The Lt. Governr acquainted the Board that he had this day advised with the Militia, and that they had given him account that they dayly was alarmed by the enemy &c: that they was frequently seen at Oyster River and in other places.

The Lieut. Governr acquainted this Board, that Wm. Stoughton Esq., Lt. Governor, & Council did desire him to acquaint this Board, that they expect Capt. Everitt and his men which were sent for the security of this his Maj'tys Province be forthwith paid for their Service for the time past, and an engagement for the time to come

To which the Council answered, that in about a months time, our assembly is to sitt, and then we are well assured effectual care will be taken therein, both for time past and for Future. In the mean time some particular Gentlemen of our Province are the sufferers, who have already advanced the money to Capt. Everitt, although he at present stands obliged, which we shall endeavor speedily to free him from.

The Lt. Governor asked if the Board had anything to offer.

The Board was silent.

The Lieut. Governor acquainted the Board that when there was an express occasion for calling of a Council, he should expect that all the Members should appear.

B. II. p. 192.

Boston, 29th Augt, 1695.

Gentlemen,—

Mr. Thomas Hollands, Agent for Mr. John Taylor, of London, Mercht hath by his petition supplicated me, that Capt. Everett and his Company, now in your Province, may be a Gaurd to the persons employed by him in halling some Masts out of Exeter Woods to the water side; which cannot be accomplished without the same, by reason of the Indian enemy, and which must be

affected speedily before the Setting in of the Rains. Considering how highly it may conduce to his Maj'ty's Service, my Desire is that Capt. Everett and his Foot Company of Soldiers now remaining in your Province, may be forthwith ordered to attend the said service, which is all at present, from

Your Servt.

Wm. Stoughton.

B. II. p. 193.

At a Council held at New Castle,
Sept. 9th, 1695.

Present

Nathl. Fryar, President.

Peter Coffin, Robt. Elliott, Nathl Wear, } Esqs.

Wm. Vaughan, Rich. Waldron, } Esqs.

Upon reading of a Letter from Lieut. Governr Stoughton to this Board, in answer to a petition from Mr. Thomas Holland, Agent to Mr. Jno. Taylor of London, Mercht, that Capt. Everett and his Company may be a Gaurd to the Persons employed by him in halling some Masts to the water side,

Ordered, That the Dept. Secret'y send an order from this Board for Capt. Everett to attend the said service, and (afterwards) then to return to his Respective Posts, and that the Dept Secy sign in behalf of the Board.

B. II. 194.

Boston, September 12th, 1695.

Honble Srs.

Understanding that this is the time of your Session, I thought it necessary to refresh the remembrance of your Engagement respecting the Support of Capt. Everet and his Company posted in your Province upon application made by your Lieut. Governr at your instance. The accompt of their Wages from the time of their detachment, until they were drawn off by order amounts in the whole unto Five hundred and eight pounds, eight shillings and four pence, as by the accot thereof, adjusted by the Commissionrs for War appears. One hundred sixty-nine pounds, nine shillings and five pence being one third of the whole is your due to

pay according to agreement, which I hope you will make effectual provision to see speedily discharged as also a like provision for what is become due since their Return again, and that shall arise during their Continuance within your Province; that all occasion of Complaint may be removed, and no burden laid upon his Maj'tys Subjects within this Province by reason of your Omission, our public Taxes being almost insupportable. I persuade myself that your Justice will readily prompt you to a compliance with this demand, being agreeable to the terms acccepted by yourselves.

Wishing good success to the public affairs under your present Consideration, I am in all sincerity

Gents,

Your affectionate Friend

and Servant,

Wm. Stoughton.

Lt. Govr, Council & Assembly of New Hampshire.

B. II. p. 195.

To the Honor^ble John Usher, Esq. Lieut. Govern^r and Commander-in-Chief of his Maj'tys Province New Hampshire.

Wee, under written members of his Maj'tys Council for this Province, do humbly Represent to your Honor the necessity of continuing the Massachusetts Soldiers with us for his Majestys Service and the better defence of the inhabiting this Province: wee, therefore pray your Honor to acknowledge the kindness of our Neighboring Government therein, and pray the favor of Lt. Governor Stoughton that the Soldiers may not be drawn off, yourself seeing the Readiness of the Assembly to raise money for their subsistence, and one third part of their wages as was formerly agreed.

Your Honor's most humble Servts.

Dated at New Castle,

Sept. 14th 1695.

["Coppie of a letter from the Board to the Lieut. Govern^r. Sept. 14, 1695."]

B. II. p. 196.

At a Council held at New Castle,
Oct. 9, 1695.

Present
The President.

Peter Coffin, Robt. Elliott, Hen. Green, } Esqs.

Wm. Vaughan, Rich. Waldron, } Esqs.

Upon reading a Letter from Lieut. Governor Stoughton bearing date at Boston Sept. 12, 1695, relating to the Soldiers pay under Command of Capt. Everitt:

Ordered, that the following Letter be sent in answer to Lieut. Governor Stoughton, viz.

New Castle,
9th, 8m, 1695.

May Please your Honor,

Wee have yours 12th Sept. directed to Lt. Governor, Council and Assembly, which came not to hand till after the prorogation of our Assembly and our Lieut. Governrs returne to Boston, so give your Honor Answer in Brief, that the Assembly did their part for the support of Capt. Everitt and Company, and Rates are now collecting to answer the same forthwith for the time past, and for the future shall use our utmost endeavor to prevent any Complaint against us for not doing our part according to the Forms formerly agreed, soe pray your Honor by no means to Draw off Capt. Everitt & Compa'y, their continuance here being so necessary for His Majestys Service, and the defence of his subjects, the poor inhabitants of this Province.

We are,

Your Honors Most
humble Servants.

B. II. p. 197.

Dorch. [ester] October 12th, 1695.

Gentlemen—

Yours of October the ninth instant comes just now to my hand, about seven a clock at night; my letter to you by the last post will inform you that with the advice of the Council here, I have ordered Capt. Everitt with his men, into the Province of Maine, there to remaine to supply the absence of Capt. Chub, who with a part of the Company under his command is forthwith to goe to Pemaquid for his Maj'tys Service in that Garrison. This I have

done upon such considerations as were and still are, of great weight with me, so that I cannot Countermand anything at present, especially being absent from the Council, and your letter importing no new thing happening to move me thereto; & for that also I have not removed our forces so far from you, as not to be near enough to do you service. Your Messenger being (as he saith) to return back tomorrow night, I am not willing to detain him, but send you such an answer as I can. And if there shall be sufficient reason afterwards for our further assistance, I shall be most ready to do for you what shall lie in my power, & as the circumstances of our own affairs will permit.

I am,

Your most humble Servt.

Wm. Stoughton.

B. II. p. 198.

To the Honorable the Lieut. Governor and Council held at Hampton, October 30th, 1695.

It having been the pleasure of his Majesty our gratious Sovereigne, to determine the bounds of the Province of New Hampshire, to extend to three miles North of ye river of Merrimake, and there being some dwellings near the lyne, which will plead themselves somtimes to be of ye Province of New Hampshire, sometimes to be of the Province of ye Matathusetts bay, to save themselves from being assessed, and by reason of the uncertainty in which Province their estates are, it does escape being assessed any where: And also some Masts and Timber taken away not only out of the Province of New Hampshire, but out of the Ancient reputed bounds of the town of hampton, by pretence of a right granted to them by ye Government of ye Matathusetts bay, by some soldiers in that said Province, to the damage of the Province of New Hampshire as we believe; and for want of the lyne being run between ye Provinces, we cannot say certainly where Taxable. And other inconveniences are sometime hapening.

For prevention whereof, we pray that the lyne may be run, and such methods taken in the case, as your wisdoms shall see meet.

Nathl. Weare.
John Smith
Jos. Smith.
John Stanyan.

B. II. p. 199.

Hampton, October 30th, 1695.

Honble Sr.

This day in Council as by mintes Inclosed the Board Desires yor Honrs Favour for the Service of his Majesty and Security of this Province, upon the Terms formerly agreed that yor Honr would bee pleased to ordr twenty-five men for the same. Sr. pleas to let me have an Answer to this by the Expres Sent, Desiring the Same with all Expedecion may be dispatcht In which you will Oblidge

Yor Honr Most humble Servant,

Jno Usher.

The Minnitt of Councill Sent to Lieft Govenr Stoughton, October 30th, 1695.

Desired by the Board that Aplication might be made to Lieft Governor Stoughton for 25 men to be sent from that Government for his Majesty's Service and Security of the frontiers in this Province; this Province, paying their part of Wages according to former agreement.

Vera copia.

Test.

Wm. Redford, Dpt Scry.

B. II. p. 200.

At a Council held at
Hampton, October 30th, 1695.

Present

The Lieut. Governor.

Robt Elliott,	Esqs.	Nathl Wear,	Esqs.
Peter Coffin,		Wm Vaughan,	
Hen. Green,		Richd Waldron,	

The Lieut. Governr desired to know of the Board if they anything to offer, relating to his Majesty's Government, of moment in my absence from you.

The Board was silent.

The Lieut. Governor being informed by a Letter from the President, of the Soldiers of the Massachusetts being drawn off, though not any account from this Board, upon recpt of which I did dispatch to take care of this Province, and accordingly have visited the Garrisons on the frontiers of these places, and the

people thereof desire a relief of a supply to strengthen their garrisons, the which I judge it to be of absolute necessity, and for the present I have ordered the same out of H. P. & E. (1). I desire to know if you have any thing to offer farther, for security of this his Majesty's Province, and being not willing any time should be lost, did order your meeting here.

Answered it was very necessary.

The Lieut. desired to know of the Board, he having [represented] to them.

Answered, that they think it necessary, and desire that aplication may be made to Lieut. Governor Stoughton for 25 men to Gaurd the Frontiers of this Province — this Province pay them as formerly.

The Lieut. Governor acquainted this Board these men sent for must be paid, and an engagement, whether it was necessary for calling of an Assembly, &c.

Answered that it was necessary, and ordered that the old Assembly should be dissolved and Writs be issued out for calling another Assembly to sit on Wednesday next.

Whereas a petition from several the Inhabitants of Hampton read at this Board, relating to the running of the Line between the Province of the Massachusetts Bay, and this Province —

Ordered that Notice be given from this Board to the Government of Boston, that they have appointed to run the Line between the Government of the Massachusetts and this Province of New Hampshire, sometime between this and the fourth day of December next, at what time they shall please to appoint, to meet the persons appointed here for that service as they shall give notice, and in case that Government shall not send persons to join with those appointed here, then those appointed in this Province to run the Line themselves on the fourth day of December next.

The Lieut. Governor proposed to the Board that when the Chief Officer should go visit the Garrisons, that the expenses be paid out of the public Treasury.

Answered, no.

Ordered that Nath. Wear, Joseph Smith, Hen. Dow, Sam^{ll} D, [?] James Philbrooke, Moses Swett, Be appointed a Committee to join with such Persons as shall be chosen by the Massachusetts Government for running of the Line between the two Provinces, at or before the fourth day of December next on such day and time as they of Boston shall appoint, and in case the Government

(1) Hampton, Portsmouth and Exeter. — Ed.

of Boston shall not send persons to join with those appointed here, then without any farther order the said are to run the Line themselves on the fourth day of December, and that notice be given from this Board to the Lt. G. & C. of Boston of the same.

B. II. p. 203.

Boston, Novr 1st, 1695.

Honble S^{r}.

Yours of the 30th past with the inclosed Minute of Council relating to a supply of Twenty five Soldiers for the defence of your Province upon the terms formerly agreed on, came to the hand of the Honble the Lieut. Governor about noon, being the time of the sitting of the Superior Court, so that he had not opportunity to advise thereabout. But that the post sent might not be occasioned to stay, I am commanded to acquaint your Honor that consideration will be had of the proposal made, and a more particular answer given thereto in some short time; And to assure you that his Honor is very ready to give such assistance as shall be needful for the support of his Maj'tys Interests within your Province, expecting that all encouragement thereto be given by the Government there, by making effectual provision for the discharge of the arrears due to the Soldiers lately posted within the same, and in making those reasonable proposals for the support of any that shall be hereafter imployed for their more particular defence, as to render the charge to be more equal, that this Province so greatly burdened be not quite exhausted. Capt. Everitt is directed to wait upon your Honor with the account of what is due to himself and Company.

I am

Honble S^{r},

Your very humble Servant,

Isa. Addington, Secry^{t}.

B. II. p. 80.

Province of New Hampsh^{e}.

To Serj. John Snell, Serj. James Lovett, & to Serj. Nathl Aires.

You or either of you or all of you are hereby Required in his Majest^{s} name, King William, to impress six able & sufficient men, wth arms and amunition compleat, and one months provisions for the service of his Majesty att Oyster River in garrison; and you are to command them to appear well fitted accordingly at the Court of Guard by eight of the clock in the forenoon on Saturday

the second day of this Inst. November; for which this is yor sufficient warrant; and make a returne hereof. Dated, Portsmouth, November, 1st, 1695.

In pursuance of the Lieutt. Coll. warrant,

Wm. Redford, Capt.

In persuant to the above warrant we have impressed Mr. Saml Penhollow, Mr. Saml Keese, Mr. John Tucker, Mr. Richard Monson, sen. Mr. Obadiah Mors & Jacob Lavers.

By us, James Lovett, Sarg^{t}.
Nathaniel Ayres, Sergt.

Sent up the same day

Wm. Redford, Capt.

Serj. Aires & Serjant Lovett:

Serj. Snell not being well, you are to perform the above warrant. November 1, 1695.

Wm. Redford, Capt.

B. II. p. 81.
Hampshire:

By the Hon$^{'ble}$ John Usher, Esq. Lief^{t} Govern^{r}, Commander-in Chief of his Majs^{tys} Province New Hampshire, & Vice Admirall of the same,

A PROCLAMATION.

Whereas there was a gener^{l} Assembly held by adjournment att New Castle for this his Majes^{ty} Province, on the eleventh day of Sept. last, past and continued untill the fourteenth day of the same Inst., on which day the same Assembly was prorogued untill the second Wednesday in June next following, in the year of our Lord, 1696; and whereas it is thought of absolute necessity for calling of an Assembly forthwth for his Majes^{tys} service, and the good of his subjects in this Province:

I doe, Pursuant to the Powers granted in his Majes^{tys} Royall Commission, By and with the advice and consent of the Council, hereby Publish and Declare the s^{d} Assembly, Prorogued as above, untill the second Wednesday in June next, to be dissolved; and in his Majes^{tys} name they are hereby dissolved.

Witness my hand and seale at New Castle, this 2d November, 1695.

In the seventh year of his Majesty's Reigne.

JOHN USHER.

Wm. Redford, D. Secy.

God Save King William.

B. II. p. 82.

These may certify whome it may concearn yt Samuell Canny is dismissed from his Majts servis at Captt. Gerrishe his garrison, this 6th of December, 1695. Test. John Tuttle, Capt.

B. II. p. 211.

At a Council held at New Castle,
November 11th, 1695.

Present

The Lieut. Governor,

Nathl Fryar, Robert Elliott, Nathl Wear, } Esqs.

Wm. Vaughan, Richd Waldron, } Esqs.

The Lieut. Governr proposed that since we cannot have men from Boston, whether he should write to the King for 40 men.

Answered in the negative. Sd no.

The Lieut. Governr proposed to the Board for the Treasurer to advance Provision for the Soldiers at Oyster (?) out of the £400 rate.

Answered—Yes.

A Petition from the Inhabitants of Oyster River for the grant of a Township the matter referred for farther consideration; the men of Dover not having timely notice to give their objections . . [two words illegible.]

The Lt. Governor proposing to the Board that the Secretary being at great [expense?] in sending home the Laws and Minutes of Council; so something be allowed him for the same.

Ordered that he be allowed £8:0:0 in consideration, to be paid out of the Treasury.

Adjourned to Thursday 10 clock.

B. II. p. 213.

At a Council held at New Castle,
November 14th, 1695.

Present.

The Lieut. Governor,

Nathl Fryar, Peter Coffin, Robt. Elliott, } Esqs.

Wm Vaughan, Rich Waldron, } Esqs.

Accots of several disbursments from the Inhabitants of Dover and Cochecho for billeting of Massachusetts soldiers, from the 15th of May 1695, until the 11th June, and from the 15th of July to the fourteenth of October, excepting 14 days of the time, amounting to £16:1:4½,—allowed and ordered that orders be given to the Treasurer to pay the same out of the 300lh rate which was for arrearages.

Accots of several Disbursements for subsistance of the Massachusetts soldiers at Oyster River from 16th of May 1695, to 11th day of June, and from the 15th July until the 14th of October, wanting 10 days, amounting to £81:00:6,—allowed.

Ordered that the same be paid by the Treasurer out of the 300£ Rates.

Ordered that the House be paid where the Assembly sat.

Ordered that Jno Cross be paid for his attendance on the Council and Assembly.

Ordered that the 30th day of January next be kept throughout this Province as a public day of humiliation.

Gentlemen—I have posted soldiers with the number of men in the out Garrison according to the motion of the Assembly and issued out my warrants to the several Capts. for the continuance of them, and have ordered the Capts. to give account to the President and Lt Cols. of what shall happen in my absence; and did recommend to President in case of an attack of the enemy that he should call his Council, and he with them to give directions what may be proper for security of the place.

Declared to the President, that there being nothing offered by the Board for his Majestys Service, he did judge that the Council should not be called in his absence but when there was absolute necessity for his Majesty's service & Security of the Province, by reason that it was a great charge to those that lived Remote; and did expect at all times to have an accot for what they called the Council; an acct. of their proceedings from time to time, that he may give an accot to his Majesty.

Gentlemen—Whereas it was proposed to raise Money for sup-

port of ye Honor of the Government & security of the place, or else your advice what way I may propose to lay before the King, & your answer that you can propose no way, I do therefore recommend to your consideration for raising of Money for those ends viz.:

To lay a duty upon all Boards and Staves at 3s. per M. upon all that is Exported out of the River to any of his Maj'tys Plantation Governments, additional duties of Impost to be pro rata with Massachusetts Colony, vis^t.

English Goods	10:8: per —
Rum	2:16:8 per hd.
Madera Wine	1:7:0 per pipe.
Fyall	1:0:0 per pipe.

JNO. USHER,
Lt. Governor.

B. II. p. 214.

Honble Srs.

I have yo^rs of the 7th currant for the assistance of forty men from this Province; the same day, by advisement with the Council an Answer was forwarded hence from the Secretary unto your former upon the same subject; which is as much as I can say thereto at present; our Treasury is so exceeding low that we are not able to comply with the demands in our own Province: If any supply of men be from hence it must be wholly at your charge, which is the concurrent opinion of the Council.

I am Srs,
Your assured Friend and
very humble Servant,
WM. STOUGHTON.

Boston, November 9th, 1695.

B. II. p. 215.

Honble Srs.

Yours, with the Minute of Council there inclosed of the 30th of October past, for the ordering and appointing a Committee of some persons belonging to y^r Province to join with such as should be chosen by this Government, for running of the Line betwixt the two Provinces, came not to hand until yesterday; when the time assigned by yourselves, being the fourth of the next month,

is drawn very near. You must certainly imagine it to be a matter of little Import, that seven or eight days notice should be thought sufficient to appoint suitable persons and duly to provide for such perambulation. It seems necessary previous thereto that Commissioners instructed by the respective Governments should meet together and concert the place where to begin, that so Artists may be set upon the Line to carry the same through. Besides, we cannot but observe to you, that we think the persons nominated by yourselves may not be so indifferent, being all, (if we are not misinformed) dwellers at Hampton, your next Town bordering on the Line of this Province; and whither it might not be advisable, that the small inconveniences hinted in yours, (which may be equal to this Province) be suffered for a short time further, and the trouble and Charge necessarily arising by a Perambulation be spared, until it be known whither there will be occasion for the same or not; which probably will be by the next Ships that shall arrive from London.

By Command of the Honble the Lieut. Govern^r and Council.

ISA. ADDINGTON
Secry.

Boston, 26th Novr 1695.

B. II. p. 215.

Hampton in New Hampshire.

2 december 1695.

To the Honoured Nathaniel Fryer Esq. President.

Honored Sir.

in obedience to a warrant Received from the Honoured lef^t Governour, I Sent to Exeter upon the 14th of November 1695, 3 men as garrison Souldiers to Captn Hall one more I was ordered to draw of from Oyster River and send to Captn Hall. Captn Woodman promised to send Him but did not till his month was out att Oyster River. I have the 30 of November sent one man more to Captn Hall so I have now at Exeter 4 men. November ye 30: 1695, I sent to Captn Woodman sixe men, one more was to go but an unexpected providence Hindered him, so I sent one in his Roome this day, so I have now Seaven men att Oyster River, and my other Seaven come home. This is a true returne from him that is, Your Honours Humble Servant.

HENRY DOW, Captn

B. II. p. 83.
Province of
New Hampshire. To Sergts Aires & James Lovitt.

You or either of you are Required in his Majes[ts] name to impress four men wth arms and amunition, and a months provision for his Majes[ts] service att Garrison att Oyster River & Dover, out of the Watches belonging on yo[r] side the mill-dam, and you are to see they appear to Receive farther ord[rs] from Jno. Snell, clark, on Munday next by one of the clock, as they will answer the contrary at their utmost perrill.

Dated Portsm[o]. January 4th 1695-6.

Per Wm. Redford, Capt.

Make return hereof, from under your hand, with the names of the men.

In pursuance of the within warrantt, we have impressed
Francis Jons
Jno. Jackson, sen.
Petter Baull
Jno. Froost.

Per. Nathaniel Ayers } Sargts.
James Lovitt. }

B. I. p. 171.

Oyster River, Jenery 6th, 1695-6.

Ser. In obediens to the Left. Govern[s] warrant I have sent you the thurd Return of my posting of the soulders in garison her[e], whicl was according to warrant.

I have lickwise sent the account of the soulders that wer and are absent for want of provisions at the garesons to enter-them. From Joseph Smith's on[e] this month and on[e] the last. From Bickfords tow this month and tow the last month; and from Medars on this month and on the last month.

at my gareson,	2 soulders
at Medars,	3 soulders
at Deveses,	2 soulders
at Smiths,	3 soulders
at Bunkers,	3 soulders
at Burnums,	2 soulders
at Bickfords,	4 soulders
at Edgelers,	3 soulders
at Durgens,	2 soulders
at Joneses,	2 soulders
at Deved Deves,	2 soulders
	28

There was six soulders sent

by Capt Dowe of Hampton, that was first to return home again that our garesons could not entertain them for want of provisions; by which mens they were absent four days. Captin Dowe sent them again, and with much adoew I got some provisions and posted them. I would pray that some caer may be taken for provisions, for the soulders. our peopl say they have not for thayr ounne familys.

From your friend and Servant,

JOHN WOODMAN, Capt.

Superscribed—"To Mr. Nathaniel Fryar,
on Great Island, President."

B. I. p. 173.

Captn Henry Dow—Sir, Thes lines are to acquaint you how that for thes three months we, the owners of the garrisons at Oyster River, have much straitened ourselves in spending our provisions for the subsistance of the souljers posted with us, which was in hops of a supply for the futer by the Treasurer, but he tells us that he can supply us with nothing but bread; and that is att a extraordinary Rate, and we cannot b[u]y other provisions for our money; by that means we are unable to provide provisions for their subsistance any longer. There are several Returned home upon that account from other garrisons all ready, and my condition is the same. I have therefore advised thes my souljers, Francis Page and Tho. Lovitt to return home again and deliver thes lines unto your self.

Yours to sarve,

January 31, 1695-6 JOHN WOODMAN, Capt.

Vera copia.

B. I. p. 172.

Honored Sir—Thes are an account of my proceeding abont my garrison souldjrs; since I sent you my last account I have kept four men att Exeter and Seaven att Oyster River according to my warrant; but the 27 of January I was to release my men att Oyster River. I took care about itt and sent them; one tired before he got half way to Exeter and came back again. The snow was so deep four or five of them came to Captn Woodmans on Tusday. on Fryday last he sent two of them Home with sume lines to me

of which I have sent a true copie on the other side. Sir, I crave a line or two of advis from yourself, for I know not what to doe more, for provision I cannott gitt for them, and to send to send them again they are hard put to it this winter time. Some of them whose month was out on munday could not gitt home before Fryday after, it was such bad travelling. not else to troble your Honour with. But I am your Honours Humble Servant,

HENRY DOW, Capt.

Hampton, February 3rd 1695 or '96.

Superscribed — "For the Honoured
Nathaniel Fryar,
President in
New Hampshire
For his Majesties
Service."

B. I. p. 174.

New Hampshire. Oister River, Febery 5th, 1695-6.

Sir — In obedens to our Left. governs warent for my posting of soulders in our several garesons Here, and my mecking A Returne of my so doeing; I mecke this my fourth Returne. As the soulders come I posted them unto their severell garesons, according to said warent: but the soulders bringing no provisions with them, and our garesons could by no mens soply them, theres forten of them Returned Hom and forten et remains in gareson posted.

2 at Medars
1 at Smithes
3 at Bunckers
2 at Joneses
2 at Burnums
2 at Edgerlyes
2 at Deved Deveses

Your Redy Servant,

JOHN WOODMAN,
Capt.

Superscribed — "For Mr. Nathaniel
Fryar, President, at New Castle,
deliver."

B. I. p. 175.

At a Council held at New Castle, Feb. 20th, 1695-6.
Present
Nathll Fryar Esq. Presdt.

Peter Coffin, Hen. Green, Nathl Wear, } Esqs.
Wm Vaughan, Richd Waldron, } Esqs.

Upon aplication made to this Board from Capt Hen. Dow of Hampton about the souldrs being returned from Oyster River, and the want of Provision — Ordered that notice be given from this board to Capt. Hall, Woodman and Tuttle, to attend the President & Council at Portsmouth on Tuesday next at eleven of the clock.

B. I. p. 176.

Hampton, February 24th, 1695-6.

Honored Sir — I have this day sent seven men of Souldiers to Oyster River again and I have at last procured 143 pound of good pork, and sent with them; but for Bread or any thing to make Bread of I can gitt none. The Honoured Governour sent me word that if Bread were wanting the treasurer would supply and I hope he will, if he does not I cannot. I am willing to doe any service for the King and Province that I can but to be put to gitt provision for so many men when I cannot tell where to find it, it put me to a greater loss than any business that ever I took in hand: not else to trouble your Honor with, but my service presented to you, I am your Honours Humble servant

Henry Dow, Capt.

B. I. p. 177.

Province of New Hamp. } To the Right honourable Nathaniel Fryer Esq. President, & Col. Packer Esq. Lt. Collonell.

honoured Sir —

In pursuance of a preseptt to me directted By the Lt. Governer, Bearing date the 11th of November 1695, I have from time to time posted those men detached for his Majts service & sent to me as followth viz. December the 5th Sollomon Cottene & Timothy Waterhouse at Heards; Will Preson & James Lebbe at Capt Gerrishes; Eaphraim Jackson & Jno Abbott at Will. Dames; relieved them the 7th of January & posted Jno Sargeant and Nicolas Flecher, Peter Call, Frances Jones, Jno Cross and Samuell Jackson, in

theyr room and them continued until the 6th of February; at wch time they were dismissed, and Edw Osgood, Jonathan Weedene at Heards; Tho Patman, Elias Parcher at Capt Gerrishes; Richard Doore at Will. Dames, from the 6th to the 9th, on which day he was dismissed and Willobe Nason and Jno. Bly posted there; soe having no more to trouble your honour with, I rest yours at comand.

Jno Tuttle, Capt.

Feb. the 24th 1695-6.

B. I. p. 178.

To the Honble Nathanell Fryer, Esq. President, &c.

Sir.

Since ye last return I made to your honour in December last, I have ever since continued two men at Exeter, and two men at Oyster River: I exchanged them at the several times following: At Exeter on December 12th; On January 9th; on February 6th — 1695-6 (viz): at Oyster River, Relieved on Decembr 28th; on January 25; on February 24; &c.

Dated at Hampton March 3d1695-6.

Your Servnt

Jos. Smith, Capt.

B. I. p. 179.

At a Council held at New Castle March 17th 1695-6.

Present

Nathl Fryer Esq. President,

Peter Coffin,	Nathl Wear,	Esqs
Robert Elliott,	Wm Vaughan,	
Hen. Green,	Rich. Waldron,	

Ordered that whereas there was the Capt of Dover, Exiter and Oyster River at this Board, who have made a complaint that they have not provision & cannot subsist the souldiers without some supplyes sent, the Treasurer has notice to attend this Board to morrow by nine of the clock.

Adjourned.

Held by adjournment March 18th 1695-6
Present
Nathl Fryar Esq. President.

Peter Coffin
Robt Elliot
Hen. Green

Nathl Wear
Wm Vaughan } Esqs.

The Treasurer according to notice given him this day attended the Board; the Council proposed for finding a supply for the souldiers in his Majesty's service at Garrison in Oyster River & Dover. The Treasurer having offered to send to Boston for suply as soon as can be expected, as far as in him lies, and that he will suply with Bread for the present,

Ordered that the Treasurer take care and send to Boston or else where for provisions if they can be had, and that he shall be reinburst out of the four hundred rate now gathering, and that the Risque of what Porke, Corne &c. that shall be sent for from Boston for the said service shall be at the risque and charge of the publick & stock of this his Majestys Province.

Ordered that the Treasurer deliver no Provisions to or for the souldrs or Garrison at Oyster River, Dover or Exiter without note under the hands of the Capts of the Respective Townes.

Ordered that the D. Secryt write from this Board to the Lieutt Governor and Council at Boston, that they would please to permitt such provisions [to be exported] as are bought for the necessary subsistance of his Majestys Soldiers, detached for security in this Province there being great [scarcity?] & want of the same here.

B. I. p. 180.

Honble Sr.

I am comanded by the Preside and Councill of this his Majests Province New Hampshire, to signifie to yr Honrs that such is the scarcity of provisions here, that for subsistence of those souldrs posted for defence of or frontiers, they have ordered the Treasurer to buy corn & pork in Boston for supply of the same, and doe humbly request yor Honr wth the Councill to permitt what provisions shall be bought for the use aforesd, to be exported from yor Governmt hither, in which you will very much oblidge his Majetys subjects in this Province.

By order of the Honble the Prest & Council.

Indorsed—"Lettr to Lt. Gov. March 23d."

Wm. Redford, D. S.

B. I. p. 184.

At a Council held at Hampton this.
[Indorsed "April 2, 1696."]
Present

The Honble. the Lieut. Governor,

Peter Coffin,	Nathl Wear,
Robt Elliott,	Wm. Vaughan,
Hen. Green,	Rich. Waldron.

The Lieft. Goven^{r} acquainted the Board that the reason of his now coming, was he received a lett^{r} from Capt. Fryar of the 16th March, wch gave an acc^{tt} that the sould^{rs} was drawn of for want of provision, and that he had bought provision for suply, and was come to see how the state of the Province was, &c. and desired to know if they had any thing to offer.

The Board returned his Honor many thanks. Answ^{d} it was necessary to have the men continue &c

Whereas, The Honble Lt. Govern^{r} has disburst £13:12:10, for provisions in Boston for the sould^{rs} att Garrison in Oyster River & Dover,

Ordered, That the Treasurer pay out of the Treasury, £13:12:10d, to the Honble Lt. Govern^{r}, it being for so much disburst by his Hon^{r} for provisions for his Majes^{tys} sould^{rs}.

This his Majes^{tys} Province being presented at a Court of Sessions for not having a goale; and the clarke of the — by order of the s^{d} Court presented to this Board, that his Majes^{ty} Justices desired the advice of this Board and an order therein,

Ordered, That it is the advice of the Board that his Majes^{tys} Justices should take imediate care to find some place fitt for to be strengthened for a goale, and that the charge shall be payd out of the publick Treasury.

B. II. p. 84.

Province of New Hampshire.

To Jno. Snell, Clark to Compa. under command of Wm. Redford.

These are to require you to impress two men forthwth, one of them to send to John Cotten, the other to Nathn^{ll} Aires, James Lovett & Wm. Cotten, that they may have notice to appear at the house of Sarah Bakers by ten of the clock in the forenoone. on Thursday, the seventh inst. to consult for his Majes's service in settling the severall watches and repairing the respective Garrisons and other necessaryes. You are also to summons the persons whose names are here under written to apear at time and

place as they will answer the contrary att their perrill. Given under my hand and seale at Portsm° April 6th, 1696.

Arthur Hues, sen.	James Rawlings
Willowby Nason	Clem Meservie
Danll More	Richd Fletcher
Jno. Beale	Mr. Ballard, his man
Wm. Partridge	Samll Hill
Splan Lovell	Jno. Soward
Jno. Preston	Jno. Hooper
Tho. Waicome	Jno. Bickford
Richd Jose, his man that watcht.	Joseph Mason.
Wm. Shackford	

He that warns Jno. Cotton, let him tell him to bring Masons gunn.

B. I. p. 181.

At a Council held att New Castle,
April 8th 1696.
Present,
The Lieut. Governr.

Nathl Fryar,	Esqs.	Robt Elliott,	Esqs.
Peter Coffin,		Hen. Green,	
Richd Waldron,		Wm. Vaughan.	

Whereas the accttts of the several souldrs brought to this Board, being imperfect, was layd aside:

Ordered, by the Board that the Dep. Secy forthwith give notice to the severall constables that they forbear collecting the Rates from such persons who have served his Majesty in Garrison, since November last, or in subsisting of souldiers in service untill farther order.

A Petition from Francis Tucker, Attorney unto Richd Stileman was read at this Board, and deferred unto the next sitting of the Councill.

Sundry accttts due to the Inhabitants of Exeter for services as souldrs and subsisting souldrs amounting £22:4:4, allowed and ordered to be payd.

Ordered, That Robt Elliott, Wm. Vaughan and Richd Waldron, Esqrs. be a committee to examine the claims as they shall be brought in to them according to notice given.

B. I. p. 182.

Att a Council held at Portsmouth, April 27th '96.
Present —
Nathl Fryar, Presdt.

Peter Coffin, Robt Elliott, Nathl Wear } Esqs.
Wm. Vaughan, Richd Waldron } Esqs.

Ordered by the Board that notice be given to the severall constables, to gather in their Rates forthwth from all persons.

Sundry acctts of souldrs wages and Provisions from the beginning of November 1695 to 8th April, 1696, viz.

Capt. Dow's men, as per particulars	66:17:9
Capt. Smith's acctt per ditto	26:5:8
Capt. Hall's men, wages & billeting as per particular acctt	75:5:8
Capt. Redford's men as per ditto	44:13:8
To Capt. Tuttle's acctt for subsistance of souldrs att Cochecho & Dover	16:6:11
To Capt. Woodman's acctt for subsistance of souldrs att Oyster River	51:5:0

The whole sum, 280:14:8, allowed & ordered that orders be issued out to the Treasurer for payment of the same, unto the severall Capts., the Treasurer deducting for what he has disburst for provisions.

Richd Tarlinton's acctt to the 27th April, 1696, for the house where the Councill and Assembly satt, amo to £2:5:0, allowed and ordered to be payd.

Richd Stileman's acctt by his Attorney Fran. Tucker for rent of the ware-house where the King's stores lie, until 8th of this inst. amo to £6:1:9, allowed and ordered to be payd.

Ordered that no more orders be given out to the Treasurer for payment of any more money out of the £400 Rate, than what are already past and ordered to him.

Ordered, that the Treasurer give out his orders to the severall Capts forthwith to order the severall constables for paying (and discounting in the Rates) the severall sums due to such as hath served his Majesty as souldrs or in subsisting of souldrs at garrisons.

B. II. p. 85.

Boston, 14th May, 1696.

Sir—

Have recd yours giving accott of ye Enemys appearing; am sorry ye country is in noe better posture to opose ye enemy, butt they may thank the Assembly for nott raiseing of money enough.

Ye Councill is ordered to sett on Wednesday. Ye Malitia officers on Thursday.

I would have you to gett redy and provide your accotts at Crownes, and that all matters relating thereto may be settled, of which faile nott.

I have ben solicited to restore Mr. Hincks. Mr. Hincks I have nothing agstt as to my own person; butt as relating to the King must have regard; as I find matters so I shall actt doubt not.

butt Vaughn & Waldron will be for itt, And I shall be very willing to oblidge those worthy Men.

Shall speedily be in yr parts not else.

Sr. Yor's, JNO. USHER.

[The above in Lt. Gov. Usher's hand-writing.]

Superscribed—"For his Majts Service.
For Mr. William Redford.
Deputy Sec'y
Att
New Castle."

B. I. p. 185.

Letter from Lieut. Governor Usher.

Having recd some lines from Honble Wm. Stoughton, his Majts Lt. Governr of his province Masathusetts Bay, giveing the French at St. John's &c., his Majts avowed enemy's, & the Indian enemy and Rebells being prevented from haveing of supplys of warlike provision, which yearly comes to them, would be for his Majts service, & the safety and quietness of his Majtys subjects depend much thereon; and that has acctt that they this year expect a suply; upon consideration of which, he has designed his Majtys two frigotts wth an attendt, to cruise within the Bay of Fundy for intercepting of the ships from France, with suplys which are expected, & finding itt difficult to fitt out his Majties frigotts with men suitable for such an end, have desired assistance of forty men, out of his Majtys Governt in province of New Hampshire, for such

a service; & when the cruise is out should then be discharged; being sencible the same is of great momentt & y^tt^ itt will be much for his Maj^tics^ service, for the safety & quiett of his Maj^tys^ subjects in these his Territorys & most immedeately those in the Province of New Hampshire:

By the powers granted, I doe recommend advise & consentt for reasons aforesaid, such prudent care may be taken, that assistance may be granted as afores^d^, & accordingly there may be orders issued out from y^r^selves for effecting the same with all speed, & the Men soe apointed to be ready for s^d^ service as directed, & orders shall be given from s^d^ Wm. Stoughton, Esq.

I shall not doubtt of yor redyness in concuring in soe good a work, considering the very Indian enemy, which for this many years hath occationed your disquietness & unsafety, yearly have rec^d^ their suplys by the afores^d^ means: Likewise considering for many years how the governm^t^ of province Massathusetts Bay hath suplyed wth men for yor safety, the charge of which amounts to many thousand pounds, and the aplication now made being because of the difficulty in attaining the end without assistance; & as for any thing which may be requisite & proper further for me to doe, for effecting the thing, upon notification thereof, nothing shall be omitted to the outermoste of the power of

Gentl^m^. Yor friend & servant

JOHN USHER.

Boston, 27th May, 1696.

Superscribed — "For his Maj^tys^
special service — To Nathaniel Fryer, Esq.
President & Councill, of his Maj^tys^
Govern^tt^, In Province of
Hampshire.
Presentt."

B. II. p. 86.

[In Lt. Gov. Usher's own hand.]

Boston, 28th May, 1696.

Sr,

rec^d^ yrs, 25th. am sorry ye Councill mett nott according to ord^r^. have writt to Capt. Fryar forthwith to call the Councill soe ytt due care may be taken for ye souldiers in ye King's pay; wch if nott Col. Packer is not oblidged to continue them outt; for if he presses & noe provisions, ye fault must lay att ye Councills door.

Whatt ever Capt Fryar doth he mustt forthwith call the Councill, or all ye blame will lay att his door

As to that of Hincks & others shall say as to my own person Hincks hath carryed itt better then others, whoe lay und^r greater obligations than he

upon notification from ye Councill, wherein may serve his Majesty & ye place shall redily doe y^tt wch is proper for

Sr. yrs. JNO. USHER.

"For his Maj^tys service
To William Redford
Portsmouth."

B. I. p. 186.

Att a Council held att New Castle, June 1st, 1696.

Present

Nathl Fryar, Esq. Presd^t.

Robt. Elliott, Hen. Green, Nathl. Wear, } Esqs.

Wm. Vaughan, Rich^d. Waldron, } Esqs.

Whereas a Letter from ye Honble Leut. Govern^r, bearing date att Boston, May 27, ult. was read att this Board, intimating for 40 men to be suplied out of this Province for fitting out his Majes^tys two Friggots to cruise in the Bay of Fundy, to intercept supplies sent to the French & Indian enemies, was read att Board, &c. as pr Letter.

The Board orders the following Letter to be drawne and sent to the Lt. Govern^r in answer, viz.

[This letter cannot now be found.]

His Hon^r the Lieut. Govern^r having sent 12 barrels Porke for supply of sould^rs in this Province, the Councill after sundry debates there being no money in the Treasury to re-imburse the Govern^r, ordered the following Letter to be drawne and sent forthwith to Boston.

[Letter not to be found.]

B. II. p. 87.

June 4, 1699.

Gent^n.

The occation of my comeing into this Province to let you know I have rec^d commands from White Hall which shall be communicated.

Likewise to take care of this his Maj^{ties} Province: by the acc^{tt} from White Hall, you are acquainted with the great deliverance his Maj^{tys} sacred person hath had, & their Lordships declaring they doubt not of yor hearty joyning wth them in expressions of thancks to Almighty God, for soe great deliverance in preservation of his Maj^{ties} sacred person & Governm^{tt} of wch shall not doubt yor hearty concurrence wth me therein.

In the last Assembly laid before them the absolute necessity of raising mony, sufficient for defence of this his Maj^{tys} province, which they have not done.

Have acco^{tt} the state of the souldiers in the severall garrisons was laid before y^{r}selves, and in case care was not taken for a speedy suply of provisions for the souldiers they must be drawn of, & the danger the province in in case they were: notwithstanding all which neither you nor the Treasurer would advance Money for suply of provisions for them.

It may be the opinion of some, the province should be left rather than not annexed to Boston.

Butt as the governm^{tt} is the King's, in honor thereof, quiett & safety of the place, I will advance in provisions to the vallew of £ 57:9, (though have not had to this day one meall's meat att the charge of the province) not doubting you will pass an order in Councill for repaying of the same.

You have my speech to ye Council above; wch enter. Send me forthwith copy for Thanksgiving.

Yors, J. U.

B. I. p. 187.

Att a Council held att New Castle June 4th 1696.

Present,

The Left. Govern^{r}.

Nathl Fryar, Peter Coffin, Robt Elliott, Henry Green, } Esqs.

Nathl Wear, Wm. Vaughan, Richd Waldron, } Esqs.

Whereas there was a Letter from White Hall from the Lords, giving an acco^{tt} of the happy discovery of the wicked & horrid Designe of Assasinating the person of his most sacred Majesty; and, his Maj^{tys} most gracious speech to both houses of Parliment:

The humble Addresses of the Right Hon'ble the Lords Spiritnall and Temporall, and Commons in Parliment assembled:

A Proclamation for the Aprehending of sundry of the Wicked

and Traytorous persons, who had entred into that horrid conspiracy ag^st^ the King, and a Proclamation for a day of Publick Thanksgiving thro'ught the Kingdom of England, Dominion of Wales &c. for God's mercy in his Providence, to discover and deliver his sacred Majesty and people from so horrid & Barborous a conspiracy:—Being read att this Board—

It is ordered, By the Honble the Left. Govern^r^ and Council, that Thursday the eighteenth day of this inst. June be kept as a day of Publick Thanksgiving throughout this Province, for that it has pleased Almighty God so wonderfully in his Divine Providence to discover so wicked and horrid a conspiracy against the person of his most sacred Majesty and Kingdom: forbidding all servile labour on the s^d^ day.*

Capt. Wallton's acc^tt^ for himself and sould^rs^ wages att Fourt Wm & Mary from the tenth day of November, 1695, to the tenth day of May 1696, amo^tt^ to £61:11:0 allowed and ordered to be payd.

The Honble the Lieut. Govern^r^ having advanced provisions for his Majes^tys^ sould^rs^ in garrisons in Province New-Hampshire: viz.

12 barrells Porke, att. 3:13:0	£43:16:0
36 bush^lls^ wheat, at 8 s. ?	13:8:0?
L'teridg Porke and cooperidge	0:5:0
Allowed and ordered to be paid out of the Treasury	£57:9:0

B. II. p. 89.
New Hampshire.

By the Honble the Lieut Govern^r^
and Councill of his Majes^ts^ Province
New Hampshire.

Having received the above Proclamation recommended to us from the Lords of his Majes^ts^ Council, not doubting but that we and all his Majes^ts^ subjects within this Province will heartilie joyne with them in expressions of Thanksgiving to Almightie

* "The Assassination Plot," as it was ealled, was entered into by about forty conspirators, instigated, it was believed, by King James, but led by Sir George Barclay. The plan was to take the life of King William, on his return from a hunting excursion, on Saturday, the 15th of February, 1696, "between the two gates as he passed from Hyde Park to St. James's Park." On the evening of the 14th of February, an earnest message was sent to the king, "to persuade him to stay at home on the morrow, for if he go abroad to hunt, he will be assassinated." Reluctantly he consented to stay. The conspirators watched for another opportunity the following week; but a timely disclosure defeated their purpose. *See Hist. of Eng. by Ch. Knight*, 1696; *Macauley's Hist. do. vol* 4, *pp.* 518-533, *Boston Ed.*

God for soe great a blessing in the preservation of his Majes^{ts} most sacred person and government; We, therefore hereby order and appoint Thursday, the 18th of this inst. June, to be kept as a day of Public Thanksgiving throughout this Province; recommending and commanding the Ministers & others his Maj^{ts} subjects quietly to observe the same day, & make our supplycations to the Throne of grace, y^{t} God would graciously please to preserve his Majesty's Royall person, and Governm^{t}. from all the malitious designs and attempts, and grant success in all his enterprises.

Forbidding all servile labor thereon upon pain of severe punishment.

Given &c.

[A part of the above is written on the margin, and part interlined, so that the connexion is not perfectly obvious. — Ed.]

B. II. p. 90.

9 in the morning.
Boston, 29th June, 1696.

[In Lt. Gov. Usher's hand.]

S^{r}. received y^{rs} 26th * on ye 28th att 3 in ye afternoon;—where ye fault doth lay, y^{t} ye Enemy should make an attack att 8 in ye morning on Fryday, & should be 3 in ye afternoon on Sabath day & then but a briefe acco^{t} I know nott: as to ye care taken by sea and land doe well aprove: doe wond^{r} in 12 houres you should have butt 160 Men when 270 are apointed to be redy att an houres warning, there is a defectt some where.

As soon as rec^{d} yrs sentt a lett^{r} to Mr. Stoughton, copy here inclosed. As to ye Express I did see none; I wond^{r} you had noe releife from province Massathusetts Bay & to this hour noe answer.

* "This year the Indians began their predatory incursions in the Spring. The beginning of May they killed and scalped John Church near his own house at Cochecho. Their most fatal attack was made at the plains [in Portsmouth] on the 26th day of June. The party came from York to Sandy Beach in canoes, which they secreted among the bushes the night preceding. They were at their stations before daylight, and early in the morning made an assault on five houses at the same time. The people ran out as soon as the alarm was given, and the Indians killed fourteen persons; one, whom they supposed was dead, and had scalped, afterwards recovered. They took four prisoners, and, having plundered the houses, they set them on fire and retreated through great swamp about four or five miles, where they stopped on the declivity of a hill to prepare some breakfast, which has ever since retained the name of Breakfast Hill."—*Ad. Ann. Ports.* pp. 102-103.

Whenever an Express is sentt ye person must come through with a warrantt for assistance.

Yo^r Exp. Letter came to Major Pikes hand on Saturn [Saturday] day, at 8 in ye morning. soe 12 houres from ye date of yo^rs to ride 12 miles, wch in time will be inquired into.

I have had noe acco^tt from any other hand then yor selfe, soe Judge persons wch should be immediately concerned are dead.

Yo^r lines are shortt. for answer would have the same way continued for intercepting ye enemy. if possible shall gett you Men hence. I am

Sir, Yo^rs, Jno. Usher.

you did well to send an acco^tt, butt
I think you are nott President or Lt. Coll.

Boston, 28th June, 1696.

Sr.

The inclosed is come to my hands, by which have acco^tt of ye enemy's attack att Strawberry Banck. Y^tt Goverm^t has 160 men outt, judge they may be in distress; desire yor honor's possitive & spedy order for Men to be sent to y^re releife, perceiving by ye enclosed they have nott had any from this province. I remain

Yo^r humble &c.

To Wm. Stoughton, Esq
Lt. Governor, &c.
½ hour past 4. haste,
poste haste.

B. II. p. 90.

[In Mr. Usher's hand.]

Boston, July 2^d, 1696.

Sr —

I design, God willing, to be in your parts by Wednesday; would have you provide minnitts of mine to Councill on 2^d Ap^r last., my Letter in May to presidentt & Councill, their answer thereto; lastly, my speech to ye Councill in June last; all wch would have redy att my coming.

Speake to the presidentt to provide a place for Assembly to meet in. (least they go to Hampton.)

As to acco^tt rec^d from you know nott in whatt capacity, whether Secretary or Capt. of ye forces, if either, short in your duty in giveing a particular acco^tt; for others could have it from severall hands, to write Coll. Packer would give acco^tt. I know noe person butt in the particular Station he is in.

Waldron hath writt civilly as to ye mannadgem^tt^ of affairs; others writt & talked as if abundance of Imprudence, and come of wch shame. butt *Trick for a Trangram.**

I am weary to hintt att things relating to yor-selves, and weary of having things soe; am suer was many others in my place would not suffer soe much, nor soe long, if obligations be ye cause of neglects & Rights, itts time to have done.

Yor^s^

JNO. USHER.

[No Address. Probably to Wm. Redford, Dep. Sect. — ED.]

B. II. p. 91.

New Hamp^re^.

{Seal} Whereas a late horrible and detestable Conspiracy † against his Maj^tys^ sacred person, has been by the providence of Allmightie God hapily discovered, and thereby his Maj^tys^ Royall person preserved; to ye intent that all his Maj^tys^ subjects may recognise their duty and Alegiance; and an Act is passed in s^d^ Province for all maile persons from the age of sixteen years & upwards to take the oaths apointed, instead of the Oaths of Allegiance and supremacie: these are to will and require you to whom this precept is directed, in his Maj^tys^ name to issue out your warrants to the constables of Portsmouth & New Castle, to call together and assemble the inhabitants of the s^d^ places, according to s^d^ Act, from sixteen years old & upwards, att some convenient place, and forthwith, as time shall permit; and the people soe assembled according to yor warrants, you are to administer the s^d^ oaths to everie particular male person as afores^d^, as likewise to all Counci^lrs^, Justices, Ministers, &c., and take a list of those persons soe sworne, and exhibitt the same into the Secretary's office in s^d^ Province att or before the fifteenth of this inst. according to the forme of Law in that case made & provided. Given under my hand & seale, att New Castle this 7th [?] July, 1696.

JOHN USHER, Lt. Govern^r^.

* Trangram — An odd thing intricately contrived. — *Web. Dic.*

† See law passed July 8, 1696. — ED.

Coll. Please to issue yours forthwth, because the book and Law must goe from place to place. The Goven^{r} left but 4 warrants, so this must serve for P. & N. C.

Yrs, Wm. Redford.

"For his Majes^{ts} service.
To Geo. Jaffrey & Col. Packer, Esqs.
and Col. Tho. Packer & Shadrach
Walton, Esqs."

B. II. p. 92.

[In Mr. Usher's hand.]

Boston, 18th July, 1696.

Sr.

Rec^{d} yo^{rs} wth ord^{r} for Thanksgiving, & did Expect a copy of ye King's Proclamation wth itt, butt found myselfe deceived.

You know the pressing there was for ye depositions as to ye French att Fourt Royall, but ye same omitted, I must say am hardly treated, considering ye care I have taken att all times for you.

Am satisfyed Sir E. Andros Secretary's time was principally spentt wth him & nott others; if itt be a scandall, good to be plain & say soe, must say as to Packer, &c "multum familiaritas," &c. but a burntt childe will, &c.

desire all ye minnitts of Council may be entered fairely; would have a copy of my speech to last Assembly; ye minnitts of Councill as to my proceeding in Apr. last, y^{tt} I may nott be in a hurry when come to yor parts, wish you well, remain

S^{r}, yo^{rs}, Jno. Usher.

Superscribed—"For his Maj^{tys} service
To William Redford, Esq.
In Portsmouth."

B. II. p. 93.

New Hampshire.

By the Honble John Usher, Esq.
Lt. Goven^{r} & Comander-in Chiefe, &c.

You are required in his Majes^{tys} name to receive the Jurors whose names are under written and with them to goe straight way

up to Dover, and deliver them unto Capt. Tuttle, & the s^d^ Tuttle is required in his Maj^tys^ name to Poste them where he thinks most convenient, in the respective garrisons, there to doe duty in watching & warding, and to be kept and not released from their Poste without speciall order from myselfe or the Comander-in-cheefe for the time being; for wch this shall be his & your Warrant; and hereof faile not, as he and you will answer the contrary at your perrill.

Given under my hand & seale att Arms att New Castle, July 23^d^, 1696.

JOHN USHER.

Saml Keise, Saml Penhallow,
Jno. Knight, Tho. Waicombe,
Wm. Cotton, Richd Jose.

B. II. p. 95.

July, ye 24th 1696.

To Ltt. Furber, greeting:

Sir, Herewith comes three souldiers, viz. Mr. Penhallow, Mr. Will. Cotton, Mr. Sam. Keise, wch souldiers you are ordered & required in his Maj^ts^ name to command to their duty as souldiers in your garrison, to watch & ward, &c. and not to let them depart their post without special order; and for your so doing this shall be your warrant. Given under my hand this 24th of July, 1696.

JNO. TUTTLE, Capt.

B. II. p. 94.

Whereas Mr. Saml Keais, William Cotton and Saml Penhallow were on ye 24th of this instant sent me by Capt. John Tuttle of Dover, and in his Maj^st^ name ordered and required to do their duty as souldiers in my garrison for watching and warding, &c. and not suffered to depart their respective post without special order:

These are to certify, whom it may concern, That I, the subscriber, having observed the above order to ye utmost of my power; but being destitute of all manner of provision for the subsistence of said souldiers as the law directs in that kind, Do hereby release and acquitt them. Given under my hand at Welsh Cove, July 27th 1696.

WILLIAM FURBUR, Lft.

B. II. p. 98.

Whereas Mr. Thomas Wacomb, John Knight and Obadiah Mors, were on the 24th of this Instant sent me by Capt. John Tuttle, of Dover, and in his Majtys name ordered and required to do their duty for watching, warding, &c. and not suffer them to depart their respective post without special order:

Bee it hereby known to all men, by these presents, that I, the subscriber, having observed the above order to ye utmost of my power, but being destitute of all manner of provisions for the subsistince of said soulders, as the Law directs in that kind, do hereby release and acquitt them. Given under my hand, at Welch Cove, July 27th, 1696.

JOHN DAM, Sergt.

Acknowledged
September 14th, 1696.

B. II. p. 83.

Letter from his Majesty's Council, 7th of August, 1696.

AFTER OUR HEARTY COMMENDATIONS: Whereas their Excellencies the Lords Justices of England have received Information from the Governor and Company of Merchants of London, trading to the East Indies, That Henry Every als. Bridgman, with diverse other persons, English and Forriegners, having run away with the ship Charles the Second, als. the Phancy, from ye Port of Corunna in Spain, had committed several Acts of Pyracy in the Seas of India & Persia, and have afterwards left the ship at the Island of Provence, having [the] plunder so by them gotten and dispersed themselves: Their Excellencies thereupon thought fit by Proclamation in his Majties name, to require all his Majties Admiralls, commanders and other officers att sea, and all governors, commanders and other officers whatsoever in his Majties plantations, to secure and apprehend the said Henry Every, als. Bridgman and other persons named in the said Proclamation and such as were with them in the said ship, a copy of which Proclamation you will receive. And whereas information has been likewise given, that divers Pyrates and Sea Robbers have of late years gone from severall parts of his Majtys Plantations in America to the Seas of India and Persia and other remote parts, upon the like pyraticall designes, and that some of them have returned home againe, and dispersed themselves in his Majtys Plantations with great quantities of gold and other plunder: Wee do hereby in his Majtys name strictly require and command you, forthwith upon

receipt hereof, to cause the said Proclamation to be published within yor Government; and for the suppressing as much as may be all such evill practices for ye future, whereby the trade of his Maj^{tys} good subjects in Forreign parts may be otherwise greatly disturbed: Wee do hereby in his Maj^{tys} name strictly charge and require you and all his Maj^{tys} officers and loving subjects within your Government, to take all possible care and use all due means for ye seizing and apprehending all such Pyrates and Sea Robbers, and such as may reasonably be suspected for the same, either by reason of the great quantities of Gold or Silver of Forreign Coynes, they usually have with them, or by other probable circumstances; and to cause them to be streightly imprisoned and their ships, goods and plunder to be kept in safe custody untill . . . . . Returning a full account unto us, of the said persons, their ships, gold and plunder, with the evidences relateing to them,—his Maj^{tys} pleasure be known and signified concerning them. And so we bid you, heartily, Farewell.

Your Loving Friends,

Superscribed—"To our loving friend, Samuell Allen, Esq. Governour and Commander-in-Chiefe of his Maj^{ts} Province of New Hampshire in America, and to the Governour and Commander in Chiefe thereof, for the time being."

ROMNEY,
H. GOODRICKE,
CHAS. MONTAGUE.
TANKERVILLE,
J. BOSCAWEN.

B. II. p. 96.

[In Lt. Gov. Usher's own hand.]

Boston, 27th Augt 1696.

Sr.

Yo^{r} 24th rec^{d}, as to ye men wch wentt with Church its well; as for Capt. Walton wth out advice of ye Councill, I could not grauntt liberty. Walton shows himselfe a Man in giveing ye Councill answer when they advised him. I writt to you a minnitt to enter as to my Letter aboutt coming; whether s^{d} minnitt be entered & ye minde of ye Councill am ignorantt; likewise ye advice of ye Council as to Walton's going, & Walton's answer: all wch Expectt at your hands, being for his Maj^{tys} service, & of great momentt.

desire all actts & minnitts Councill might be made redy to goe wth ye mastt ships together with duplicats.

you never writt whether ye oaths was tendered V & W [Vaughan & Waldron] & of theire refusing. Packer if his Lett^{r} be true of

Geffrey giving the oath, its w^{tt} I desire. ye Scot has & will run to far.

Wish Packer & Walton had presented V & W ye Association,* wch I looke upon as much as anything; if not, hope they will make a tender.

if, as Fryar writes, they can doe as well wthoutt as wth me; for his Maj^{tys} service & ye prerogative, I will speadily be wth you, designing to come by water. not else butt remain.

"For his Maj^{tys} service S^{r} Yo^{rs},
To Capt. Wm. Redford, Esq. Jno. Usher.
in Portsmouth."

B. II. p. 97.

Att a meeting of the Commission officers of the Militia of the Province of New Hampshire at New Castle, September 10th, 1696.

Whereas the Militia, having considired the charge of the sould^{rs} at Garrisons wch for severall months service & subsistence is not payd, and doe not understand there was not money for payment of what past, besides for time to come, for eight months continuance of the souldiers, which is judged necessary. wch by computation amo^{o} to,

To due already,

subsistence and for 5½ m^{o}	£440
Do. for 8 m^{o} to come	£640
& for his Majes^{ts} Fourt	£183
	£1263:0:0

We humbly offer, that the duty of scouting ordered by President & Council is soe great and burthensome, & not possible to be performed as required, and the Inhabitants groane so under itt that they say they must leave the province unless relieved in that matter, That your Honor would take itt into consideration and give reliefe by ordering the scouting to be continued in such methods, as by your warrants we were commanded, wch wee judge the best way for the safety and ease of his Majes^{ts} subjects.

And doe desire that some way may be ordered, for a suply of bread may be certainly provided through the Province, to be

* ["An Association in New Hampshire, to stand by the Protestant succession". See subsequent notice of the same, 1697.—Ed.]

ready for marching, three or four days, upon the attack of the Enemie.

By ordr & in behalfe of the Lt. Colls, Majrs and the particular Capts.

WM. REDFORD. Capt.

Humbly desired that yor Honr would be pleased to take unto your consideration, that those that are imprest for scouts, if that they are out two or three days or more, upon march, in case of an attack, that they may be payd by the Treasury; and humbly offer that an Assembly may be speedily called for raising of money, wch is absolute necessary for the ends aforesaid.

Superscribed—"To the Honble John Usher, Esq. Lieut. Governr, Comander-in-Chiefe, of Province, New Hampshire."

B. II. p. 102.

By the Honble John Usher Esq. Lt. Gov. Comd in chiefe &c.

You are required in his Majestys name to summons & warne Jno. Dam, Sen. that he be and appear before me at New Castle, the Tuesday next by twelve of the clock, and thereof not to faile at his perill; make return hereof. Given under my hand & seale at arms, at New Castle, this 26th September, 1696.

To Geo. Walker, Province Marshall. JOHN USHER.

According to the within warrant, I have summoned, Jno. Dam, sen. to appear att time and place. September 28th.

GEORGE WALKER, Marshall.

B. II. p. 103.

To the Honble John Usher, Esq. Leift Governr & Commanr-in-Chiefe &c, of his Majytys Province

JOHN DAM humbly offers his Petition:

Beseeching your Honr through yr clemency to consider my failing in dismissing the souldrs Posted; wch in Honesty and sincerity

I declare was through my ignorance; but more especially through the deceitt & insinuation of Lieut. Furber, and humbly prays your Hon^r not to think I did itt in Contempt; being always willing & ready to obey all Kingly government and authorities; and beggs your Hon^rs Pardon, that this may be past by, and that yor Hon^r would grant a Release that my Farm may not be ruined; is the humble request of him, who as in all duty bound, shall never cease to pray for yor Hon^rs prosperity & happiness.

[No date.] JOHN DAM, sener.

B. II. p. 105.

By the Honble John Usher, Esq. Comand^r-in Cheife &c. of Province of New Hampshire.

You are required in his Majes^tys name to summon Lieut. Wm. Furber, that he be and appear before me att New Castle on Munday next, by two of the clock in the afternoon, and that he bring wth him the warrant he had for posting the souldiers; as he will answer the contrary att his utmost perill. And make returne thereof. Given under my hand & seale att arms, att New Castle, September 26th, 1696.

JOHN USHER.

To Geo. Walker,
Province Marshall.

According to the within warrant, I have summoned Lt. Wm. Furber, & brought him to New Castle; this 28th September, 1696.

GEORGE WALKER, Marshall.

B. II. p. 104.

By the Hon^hle John Usher, Esq. Coman^dr in-Chiefe, &c.

Complaint exhibited against Lt. Wm. Furber.

You, Lt. Wm. Furber stands charged, for that whereas on the 23^d July last, you rec^d a special warrant from the Honble John Usher, Esq. Comand^r in Cheife of this his Maj^tys Province New Hampshire, directed to yourself, requiring you in his Majes^tys name to receive the persons, Saml Keise, Saml Penhallow & Wm. Cotton, and severall others & wth them to goe straight up to Dover and deliver them to Capt. Tuttle, to be posted where he thinks

most convenient in the respective Garrisons, there to doe duty in watching and warding & to be kept and not released from their post without special order from myself or the Comander-in-chiefe for the time being; and whereas on the 24th of the same month, you recd a warrant from Capt. John Tuttle, derected to yourself, for the posting Saml Penhallow, William Cotton & Saml Kease, and by the sd warrant you was required in his Majtys name to comand them to doe duty in watching & warding in your garrison, And not let them depart their Post without speciall order; yett, contrary thereunto you dismist the sd Saml Keise, Wm. Cotton & Saml Penhallow from your garrison, without order, as may apear by their dismission under your hand bearing date att Welch Cove, the 27th of the same July; which actions are a high misdemeanor.

Acknowledged.

B. II. p. 101.

Att the Tryall, Lt. Wm. Furber, Sept. 29th, 1696.

Present
The Honble Lt. Governr.

Maj. Smith,
Capt. Dow,
Capt. Woodman,
Capt. Hall,
Lieut. Aron Moses,
Being sworn.

1. The Prisonr being called, was brought by the Province marshall.

2. The Lt. Governr ordered the Doors to be open and all people to come in to heare the prisoner tryed: and ordered the Information to be read.

Capt. Walton upon oath declared that when the Lt. Govr was att the Fourt, the sd Furbur turned his britch upon the Lt. Governr & pist in his presence, and lett a fart.

The Lt. Governr asked if he had orders to dismiss the souldrs.

Answered, Noe, he had no order.

The Lt. Governr asked if made any application for provisions.

Answered, Noe.

Jno. Dam, upon oath declared: viz. [p. 105.] "Accott. of wt was sayd between Ltt. Wm. Furber, and John Dam, sen., concerning the Releas of sundry souldiers posted at the Garrison, where sd Dam had ye charge. Furber coming to the house of sd Dam, aloud asked what they should doe wth those souldiers posted

there? Dam answered, he knew not. F. s^d they could not maintayn them, but must releas them. D. s^d he wished thereby he might not bring himself into troble thereby. F. s^d he hoped there would come noe troble thereby, and then offered a Paper for s^d D. to sign, which accordingly s^d D. did."

"The above is the truth and nothing else.

Acknowledged by

JOHN DAM, Senr.

The Ltt. Govern^r past sentence by & wth the advice of the Judges: That whereas the s^d Furber has past afronts & contempt upon his warrants & for affronting the Ltt. Govern^r he is sentenced to pay a fine of twentie pounds money, to stand comitted until he has payd itt, and entred into Bonds wth security 200 lbs. for his good behaviour for 12 mo. & day, & to be uncapable of ever being in any Publick Station; and to pay fees.

B. II. p 106.

Bill, cost & charges ag^st Wm. Furber att Court Martiall, held at New Castle, Sept. 29th, 1696.

	£ s. d.
To the Judges	02:10:00
To 3 special warrants,	00:15:00
To the marshall for summoning & apprehending him & bringing him to the Fourt	01:00:00
To drawing up the charge	00:04:00
For his apearance	00:02:00
For entering Judgment	00:04:06
For drawing the warrants	00:03:06
For his receiving into the Fourt	00:06:00
For what charges for his committm^tt during the time in custodie, & For a release	00:10:00
	5:15:00

JOHN USHER.

B. II. p. 107.

To the Honble John Usher, Esq. Comander-in-Cheife, &c. of his Majes^tys Province of New Hampshire.

The Humble Petition of William Furber.

Humbly sheweth:

That your Petitioner humbly desires yor Hon^r to consider of his condition wch by his folly he has brought upon himself, by his miscarriage in suffering the souldiers to goe from their Post without speciall order; and pitty him, by pardoning of him, for that crime; and more especially beggs your Hon^r to pass by and forgive his miscarriage to yor Hon^r yesterday by turning himself from yor Hon^r, and doeing that wch was unseemly; and lays himself att your Hon^rs feett being willing to suffer what your Hon^r pleases to comand; desireing yor Hon^rs favour, will take care how he offends again; and shall ever pray as in duty bound, for your Hon^rs prosperitie.

WILLIAM FURBUR.

B. II. p. 99.

By the Honble John Usher, Commander in Chiefe &c. of Province of New Hampshire.

{Seal} You are Required in his Majes^tys name to impress John Paisted, Richd Jose, John Downing, John Shackford, William Pittman, John Bickford, Thomas Letherby, Daniel Fogg, Nich. Walden and Nich. Fletcher, with arms and ammunition compleat according to law; wch men so imprest are to march forthwith to Dover & Oyster River to Capts. Tuttle & Woodman, as underneath directed, there to be Posted in Garrisons and remaine to doe duty in watching and warding, & not to be released for two months, or farther order; or pay down the sum of four pounds money the person that does not goe; and hereof fail not as you and they will answer the contrary att their & your perill. Given under my hand & seale att arms, att New Castle this 29th September, 1696.

JOHN USHER.

To Wm. Redford, Capt.
Portsmouth.

Att Oyster River.
Jno Plaisted,
Richd Jose,
Jno. Downing,
Jno. Shackford,
Jno. Bickford,*
Jn'a. Whidden.

At Dover.
Wm. Pittman,
Tho. Letherby,
Danl Fogg,
Nich. Walden,
Nich. Fletcher.

* This name is crossed.

B. II. p. 100.

At a meeting of the Militia officers
at New Castle, September 29th, 1696.

Majr Joseph Smith, Capt. Dow, Capt. Hall, Capt. Tuttle, Capt. Woodman, Lieut. Moses in behalf of Capt. Langdon, by leave of the Honble the Lt. Governr.

Gentlemen,—The cause of my calling you together, is, To know what way and methods shall be taken to raise subsistence for the soulders.

The Lt. Governor declared there was but two ways to provide for the subsistence: First, for the President & Council to impress Provision, or, That men must be imprest with Provisions.

And that if the Souldrs be draune off, the blameable cause will not lye at his doare.

Resolved, That the severall Capts. press men & Provisions, or men with Provisions.

PROVINCE OF NEW-HAMPSHIRE.

Records of Council.

Note by the Editor.

[The RECORDS OF COUNCIL which follow, are copied from a MS. volume in the Secretary's Office, arranged by the late John Farmer, Esq., from November 3d, 1696, to June 9, 1699. The said Records are in the hand-writing of Mr. Farmer, transcribed by him from a MS. volume also in the Secretary's Office, in the hand of Henry Penny, Esq., Secretary of the Council. The copy by the Editor has been carefully compared with the original record by Mr. Penny.

Interspersed with the RECORDS of Council will be found many papers of much value, relating to, and explanatory of, the acts of the Council, in the same period. The reader should be apprised, that, for a full understanding of the subjects treated of in the "*Records of Council*," it will often be necessary to refer to the "JOURNAL OF THE COUNCIL AND ASSEMBLY," which follow the said Records in this volume, for the same period.]

At a Council held at New Castle
November 3d, 1696.
Present.

The President [John Hinks?]

Henry Green, Robt. Elliott, Nath Wear } Esqs.
Joseph Smith, Kingsley Hall } Esqs.

Mr. William Stratton, presented a petition to this Board, setting forth that he was Master of the Brigantine Tryalle, and taken in Newfoundland, and was ordered to bring back the prisoners to Boston, and was detained by one Mr. Richard Anthony, and Mr. E. Stratton ; and Mr. Anthony, being

present, Mr. Stratton produced the grand Bill of State for the Brigantine Tryalle from Mr. Peter Butler to Mr. Baroute and Mr. Bassett owners &c. of said vessel; and orders for said Wm. Stratton to be master of the said Brigantine bound from Boston to Newfoundland as per papers filed: Which being, Mr. Anthony was demanded what he had to show, whether he had a bill of sale. Answered, he showed it to the Lt. Governor, but had it not. The Council demanded of s^d^ Anthony whether he had a condemnation for s^d^ Brigantine. Mr. Anthony being demanded as above, answered No.

Mr. Anthony making nothing appear why the vessel should not go to Boston to her owners, the Council ordered the said Stratton to take out his clearing from the officers; and that he might have his permit to sail for Boston, & that if Mr. Anthony has anything to say, the law was open and he might arrest the vessel, otherwise the vessel has liberty to go.

Ordered, that the Deputy Secty. be of the Commity to receive the Claims.

Whereas, application has been made by Capt. Tuttle and Capt. Woodman that they are out of provisions in the frontiers, and without further and speedier supply of subsistance the sold^rs^ must be drawn off, and nothing appearing in the Treasury to supply with provisions, It is therefore ordered, that a copy hereof be forthwith sent to Lt. Col. Thomas Packer, signed by the President with advice from this Board, to visit the Garrisons in Dover and Oyster River, and wherever he shall find the inhabitants willing to subsist the soldiers. Passed until further care can be taken for subsistance there to continue so many as are posted there, and such as are not willing to subsist the soldiers aforesaid, to draw them off until further orders, taking their answers from under their hands; and the Lt. Coll. shall have power to order men out of Hampton & Portsmouth in proportion for those that remain posted, for which this shall be the Lt. Col's Warrant.

Ordered, that the Collector pay unto the Treasurer £9:7:0, it being ball. for his account.

Ordered, that the Treasurer pay £9:0:0 unto the President for use of the soldiers at the Fort William and Mary, at New Castle.

Ordered that Maj. Smith and Capt. Hall dismiss the soldiers posted at Hampton and Exeter, on Monday next, until further orders.

Ordered the Treasurer pay unto the Dep. Sec. £14:0, itt being in full for his salary from the sixth day September 1695, to sixth day of this inst. 9ber, 1696.

Ordered that Thursday the 12th of this instant be kept as a day of Public Thanksgiving throughout this Province, & all servile labor is forbidden thereon. The President and Mr. Elliott appointed to draw up the Proclamation.

Ordered that the second Thursday in December next be kept as a day of Humiliation throughout this Province, forbidding all servile labor thereon; and Mr. Green, Mr. Weare and Mr. Smith are appointed to draw up the Proclamation.

The Deputy Sect. making application that he being removed in New Castle and itt being not convenient to keep his Commission for Capt. [in] Portsmouth, desired he might lay down his commission.

The Council granted the same.

[Prov. Rec. B. I. p. 189.]

Letter from Wm. Stoughton, Lieut. Gov. of Massachusetts.

The Generall Assembly of his Majtys Province of Massachusetts Bay, reassuming the consideration of the manifold inconveniences and detriment to his Majtys interests by the supplies conveyed unto his enemies, on pretence of relieving the French of Port Royal, who have professedly subjected themselves unto the obedience of the Crown of England; and however sincere their desires may be of living under the English Government, yet are liable to the out-

rages of the Indians, and their ill neighbors of St. Johns River, in case they deny to hold correspondence with or afford supplies to them when they have it: Have thought it necessary to interdict all intercourse of Trade unto Port Royal, or any of the parts or places adjacent in Acadie or Nova Scotia, being within this Governm^t, under severe penalties; and that no license be granted to any for the same: Of which it is thought necessary to make you acquainted, and to desire you to take care within your Government to prevent and restrain any vessell or vessels from going out thence unto the parts or places afores^d, that there may be joint endeavours to pursue that which may conduce unto his Maj^tys service and be for the common safety; wherein I doubt not your readiness.

Your affectionate friend, & humble servant

WM. STOUGHTON.

Boston, Dec. 24, 1696.

"To the Honble the President & Councill
of his Maj^tys Province of
New Hampshire."

At a Council held at Portsmouth,
19th Jany 1696-7.

Present.

John Hinks Esq. President.

Peter Coffin	Esqs.	Nathaniel Weare	Esqs.
Robert Elliott		William Vaughan	
Henry Green		Richard Waldron	

Mr. Charles Story produced a commission before the Board for Judge of the Admiralty within the Province—— which was read and allowed of according to the powers therein contained, bearing date the 17th day of June 1696, and the same ordered to be recorded. Mr. Charles Story was also admitted Secretary of the Province and Clerk of the Council and took the oaths accordingly.

Held the 20th ditto.
Present ut supra

Held the 21st ditto.
Present ut supra.

Ordered, that the Secretary do forthwith signific from this Board to the severl Capts of the respective towns within this Province, that they are required within their several limits to take effectual care that Watches, Wards and Scouts be constantly kept for the discovery of the enemy and prevention of being surprised by them; and that for the future they obey the orders of Major Wm. Vaughan as Major.

Ordered, that notice be given by the Secretary from this Board to Lt. Col. Thomas Packer, that for the future he do not exercise the office of Lt. Colonel over the Militia of the Province, nor that of Judge of the Probate of Wills and Grant of Letters of Administration, by being hereby dismissed from both those offices.

Ordered, that notice be given by the Secretary from this Board to Major Joseph Smith that for the future he do not exercise the office of Major over the Militia of this Province, nor that of Treasurer of ye Province, being hereby dismissed from both those offices.

Ordered, that Wm. Vaughan be desired to take upon him the command of the Militia of this Province as Major, according to the tenor of his former commission and that the said Wm. Vaughan be Treasurer of this Province.

Ordered, that John Hinks Esq. President, be desired to take the command of his Majesties Fort and Compa. of Soldrs at New Castle, together with the charge of all his Majesties Stores belonging thereunto; and that Theodore Atkinson be his Lieut.

Ordered, that notice be forthwith given to Capt. John Woodman and Capt. John Tuttle to attend the Council at Portsmouth on Monday next, being the 25th inst. at ten of

the clock, in order to the adjustment of acc^{tts} for provisions by them received towards the subsistance of the Soldiery.

Ordered that Capt Nath. Fryer have notice to attend the Council, at Portsm^{o} on Monday next, being the 25th Inst at ten of the clock to give account of what of his Majesties Stores he received of the late Capt. Walton, and what has been since expended.

Ordered that Major Joseph Smith have notice to attend the Council at Portsm^{o} on Monday next being the 25th Inst. at ten of the clock and bring with him an account of what he has received and paid as Treasurer of the Province.

Ordered that Wm. Ardell have notice to attend ye Council at Portsmouth on Monday next, being the 25th Inst. at ten of the clock and bring with him his Sheriffs acco^{tts}.

Mr. Richard Joss was this day admitted Sheriffe of this Province. Council adj^{d} till Monday next, being 25th inst, at 10 o'clock in the forenoon at Portsm^{o}.

CHAS. STORY, Secretary.

[Prov. Rec. B. I. p. 191.]

Lieut. Gov. Usher's Speech to the Assembly.

Gent^{m}

In my speach laid before you the true state of the province & ye condition of Her Maj'tys Fourtt recomending to yor care the raiseing of Mony for Security & defence thereof; in yor answer thereto are pleased to intimate there are acts for dutys laid wch you judge will pay the debts & answer the necessary charge.

Those acts are given for other ends & uses, judge will nott answer those Ends for wch itts made, & the mony raised by those acts mustt onely be aplyed to the ends for wch itts granted.

You likewise say the Lawes of the place have mad provision for security of the province & his Excellency hath represented the state thereof home. *

I laid before you the province was in Debt above £450, & daily charges doth arise, thatt there was absolute nede of soulde^{rs} att Her Maj^{tys} Fourtt & some of the ffrontier Garrisons: if either

* In England ?

suffer by want of suplys, I have quitted myselfe. His Ex^y^ having give notice y^tt^ ye sever^ll^ Treasurers acco^tts^ from the year 1694 be prepared to be sentt to Eng^ld^, the sever^ll^ acco^tts^ from 1694 to Janu. 1696 by the sever^ll^ Treasurers hath been laid before the Councill wth there vouchers & receipts & how & to whatt end the revenues hath bin aplyed.

There hath bin in Major Vaughans & his successors time pd to Wm. partridge, Esq. £67:2:6, for wch there is noe acco^tt^ of perticulers of disbursmtts, & y^tt^ ought n^t^ to be allowed.

As to the 300£ pd yor agentt, doe find thatt he hass not given any acco^tt^ either to the Councill or assembly of any proceedings of his in Eng^ld^ for acco^tt^ of the publick.

I have nott onely bin informed of the condition of the province, butt have vissitted itt & sen the condition thereof, & I doubtt nott but ye Govern^r^ hath truely represented the same, & I shall by these Mast ships second itt likewise to Her Maj^ty^. In the mean time shall take care of her Maj^tys^ Fourtt as shall judge proper. Gen^tm^ you are dissolved & in her Majestys name doe dissolve you.

Indorsed—"Mr. Ushers speech when he
dissolved the Assembly."
[Probably 1697.]

[Prov. Rec. B. I. p. 192.]

Letter of Lt. Gov. John Usher.

Boston, 11 January 1696-7.

Sir—This comes by Mr. Secretary,* who has a Commission for Judge Admiralty and Judge Probate Wills. As to that of Admiralty, is very proper: As to that of Wills, am of opinion the King hath invested the Government with powers to appoint, by virtue of Commission under the Great Seal; if the Commission be rejected, would advise the gentleman forthwith to return to England, who may go hence in three weeks and return in the spring.

As to Partridge's Commission, if with the broad seal well; if not, he is not to be admitted. I understand he has left his instructions at England: if so, he may fetch them. Capt. Fryer is not to part with any of the Commissions or instructions, I having in England given receipts and become obliged to answer for them. All my present trouble is, I have them not here. Be

* Charles Story.

pleased to desire Capt. Fryer according to his promise in a letter, not to part with them—they being that which must bare me and him out for what acted; thereby the bearer hereof will not be baffled by Pickerin or any of them. Fail not of giving him the Pickerin's recognizance, who will prosecute the same. I have advised him who to confide in—judge Partridge and he at a distance.

Mr. Allen is providing to be here in the spring; believe before 2 months at an end the place will be at their wits' end; for they had best be cautious in the Government so as to get nothing contrary to Commission and Instructions, for as I am informed matters are lame and the Commission.

Long to hear of all proceedings. Some already hath been amiss;—as in guarding to church, &c. as Governor when Commission not published understand he has nothing of admiralty [meaning dubious]. Shall not add; but am,

Sir, your Friend

JNO. USHER.

Advise the Gentleman so as he may
not be too much run down
as the Banck will endeavor to do.

Indorsed—"Mr. Usher to Mr. Redford."

[Prov. Rec. B. I. p. 193.]

Boston, 21 Jan. 1696-7.

Sir,

Yor^es 18th rcd. Am surprised H. [Hincks?] should attempt and Fryer should comply—as to my commission itts all wrong, & I say Fryer is President until a new Commission; for Hinck's suspension is good while my Commission is in force. I would nott have Fryer to actt with them, for they run all in a wrong chanel—hope they will bafflel Story; wch if in anything they doe, lett him some and informe me; and, until a new commission comes to supersede mine and takes place by due publication, I will doe him right and justice; when I am fully informed of matters, *if I can be safe with my life*, will come to yor parts. I find all their steps are wrong—Elliott ye chiefe, which in time may know what's to trade beyond the sea. I am

Yo^r Friend

JNO. USHER.

Superscribed—"For his Maj^s service
To Capt. Wm. Redford,
Dep. Secy. at
New Castle."

Att a Councill held at Portsmouth
primo Feb^ry 1696-7.

Present,

John Hinks Esq. President.

Peter Coffin, Hen. Greene, Robt. Elliott } Esqs.
Wm. Vaughan, Rich'd Waldron } Esqs.

Mr. Charles Story, coming lately from England and being the last Council day admitted Secretary of the Province and Clerk of the Council, to whom the books and papers belonging to the Council and Assembly were then delivered, he, not appearing, the Council ordered a boat forthwith to New Castle for him where he was seen this day; but he not coming seasonably, the Council adjourned to to-morrow morning at ten of the clock.

At a Council held at Portsmouth
February 2, 1696-7.

Present ut supra.

Mr. Story being sent for, appeared before the Council. The President told him he did not well to neglect the King's service in that station to which he was lately admitted, and that the Council sat yesterday and waited his attendance which he knew of; yet he never appeared, but instead thereof went out of this Province into the next. Said Story answered wth a lofty and indecent carriage towards the Council, that he was cautioned against acting in those places where he was lately admitted, and therefore should not act. The Council askt whether he had his caution from the Late Lt. Governor Usher. He refused to answer. Then the Council demanded of him the books and papers belonging to the Council and assembly which was delivered him by this Board, but these he also peremtorily refused to deliver; whereupon the Councill ordered a Constable to take

s^d Story into Custody and forthwith gave a warrant to the Sheriff and Capt. Pickering to make diligent search for said Books and papers; and because Mr. Redford late Dept. Sect. and clerk of the Council had sundry other public papers and books of record belonging to this province in his custody, which he was ordered by the Council to bring in and deliver within a limited time, which he promised to do, but wholly neglected the same; therefore it was ordered in the aforesaid Warrant to search for and bring in all public papers and books of record that could be found belonging to the Province to this Board. In a little time the Sheriff found and brought in the Council and Assembly books and papers lately delivered Mr. Story; whereupon the said Story was called in before the Council and told, though he endeavored the contrary, yet the Council had now got their books and papers again; and since he had so peremtorily refused to serve the king in this Province in the offices of Secretary and clerk of the Council to which he had so lately been admitted, and thereby dismissed himself, the President and Council did also dismiss him; but further told him that as to his office of Judge of the Admiralty within this province, the Council would do what was proper for them in countenancing and assisting him in the execution of that office according to his commission. Soc Story was dismissed.

Capt. Pickering also by Warrant aforesaid made search, found, and brought in to this Board sundry Books of Records and papers belonging to the Province.

Upon information of Mr. Greene a member of this Board, that Lt. Peter Wear of Hampton had disputed the power of the President and Council and spoken reflectingly on the members of the Council,

Ordered that a Warrant be given to the Sheriff to fetch the said Peter Waer before this Board forthwithe to answer what shall be objected to him in his Majes^tys behalf.

Council adjourned tomorrow
at ten o'clock.

New Hampshire.

By the President and Council.

To Mr. Rich. Joce Sheriffe and Capt John Pickering.

Whereas Mr. Chas. Story was by the President and Council of this Province admitted Secretary and Clerk of the Council, and the Council and Assembly books and papers were delivered unto him the said Story accordingly; but the said Story neglecting to attend the Council and being sent for before the Council and refusing to serve as Secretary and Clerk of the Council and also refusing to deliver up to them again the aforesaid Books and papers; — these are therefore in his Majesties name to require and impower you or either of you forthwith to take with you soe many persons as you see meet, and make dilegent search in any house, rooms, closets, chests, trunks or other places within this Province for the above s^d^ books & papers, or any other public books or papers or Records belonging to this Province, and the same when found, to bring unto the President and Council, and all persons are alike required to be aiding and assisting to you herein. Hereof fail not, and this shall be your sufficient warrant. Given under our hands and seals at the Council Board in Portsmouth the 2^d^ February, 1696.

At a Council held
at Portsm^o^ 3rd Febru^ry^ 1696–7.

Present.

John Hinks Esq. President.

Peter Coffin, Henry Green, Robt. Elliott } Esqs.

Wm. Vaughan, Richard Waldron } Esqs.

Mr. Henry Penny was admitted Secretary of the Province and clark of the Council, and took the oaths accordingly. Lt. Waer being sent for by the sheriff to appear

before this Board to answer what should be objected to him on the Kings behalfe; who appearing, it was alleged against him by Mr. Greene a member of this Board, that he the said Wear did dispute the authority of the President & Council, and spake some words reflectingly on the Council, but the said Wear promising for the future to obey the President and Council and not Mr. Usher, if he should come into the Province, unless he came with the Kings Commission of later date than that wherein his former power was nulled and made void;—upon which the Council gave him an admonition and dismissed him paying the Sheriffs fees.

Upon request of Mr. Browne and Chr. Potle for the release of two men in Hurds Garrison at Dover, that have been out more than their usual time of service, the Council orders the Sect. to signifie to the Captains of Hampton, viz. Capt. Henry Dow & Capt Greene that they order their dismission, and to send two other men in their room fitt for the service. The Council adjourned tomorrow morning at 10 of the clock.

February 4th the weather being very tempestuous, the Council could not meet.

Henry Penny, Secretary.

At a Council held at Portsmo 8th Febb 1696.

Present.

John Hinks Esq. President.

Peter Coffin, Robt. Elliott, Hen. Greene } Esq.

Wm. Vaughan, Rich. Waldron } Esq.

Information being brought this Board that Mr. John Usher late Lt. Governor of this Province notwithstanding his Majesty hath been pleased to null and make void his power and authority here; yet he the said Usher is come

in to the Province and exerts his power and authority as formerly, ordered, that a proclamation be forthwith published of the tenor following

By the President and Council,

A Proclamation.

Whereas, his Majesty hath been graciously pleased by Commission under the great seal of England bearing date ye 26 day of June last past to nominate and appoint William Partridge, Esq. to be Lieut. Governor of the Province of New Hampshire, and therein his Majesty having also been pleased to make null & void the power and authority of Jno. Usher late Lt. Governor of this Province in these words following: "And whereas by our commission under our great seal bearing date the first day of March in the fourth year of our reign we have constituted & appointed our trusty and well beloved Sam. Allen, Esq to be our Governor, and John Usher Esq. to be our Lieut. Governor of our said Province of New Hampshire, Wee do hereby revoke so much of our said Commission whereby the said John Usher Esq. is constituted and appointed to be our Lieut. Governor of our said Province of New Hampshire, and all the powers and authorities thereby granted to him declaring the same to be for the future void and of none effect, so far as it relates to the said Jno. Usher." And whereas, upon the arrival of Wm. Partridge, Esq. by orders from Sam. Allen Governor of this Province, the commission and Instruction were delivered unto John Hinks, Esq. President, who with the Council hath the power of Government in the absence of the Governor & Lt. Governor: These are therefore to give public notice to all his Majesties good subjects inhabiting this Province, that John Usher Esq. has no farther power or authority here, nor are any persons to obey his orders or warrants for the future, but that the present power of Government is vested in the President and Council, till Governor Allen arrive, or Lt. Governor Partridge please to publish his Commission and take upon him the Government accordingly; and this all persons are to take notice of and conform themselves thereto accordingly: From the Council Board at Portsmouth this 8th February 1696. By orders of the President and Council. *God save the King.*

HEN PENNY Sect.

Ordered, that Major Wm. Vanghan take with him as many men as he can readily get mounted, to march at Hampton & Exeter to suppress any tumult and disturbances that may happen in the Province.

Portsmouth. At a Council held at Portsmouth 8th February, 1696.

Present.

John Hinks, Esq. President

Peter Coffin, Rob. Elliott, Hen. Greene } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

Ordered, that Major Wm. Vaughan forthwith take with him so many men as he can readily get mounted, and with them to march to Hampton and Exeter and there cause the proclamation herewith given him to be published; as also notice from this Board, that all Captains and other inferior military officers continue in their place until further orders, and if the said Vaughan can meet with any person or persons, that have given or doe give any disturbance to this his Majesties government, that he seize and secure the same and all officers military and civil, and all others are hereby required to be aiding and assisting to him the said Vaughan in the execution hereof.

By order of the President & Council.

Henry Penny Sect.

[Prov. Rec. B. I. p. 213.]

Letter from Board of Trade.

In his Majesty's special service.

To the Honble John Usher, Esq. her Majesty's Lt. Governor and Commander-in-chief of her Maj^s Province of New Hampshire, in New England, or to the Commander-in-chief of that Province for the time being.

New Hampshire:

Sir—

Since his Majesty's having been pleased to constitute us with others his Commissioners for promoting the trade of this Kingdom, and for inspecting and improving his Plantations in America and elsewhere, we have received several letters from you directed to the Lords of the late Committee for trade and plantations; and in the last place, by Mr. Story, dated the 16th and 8th of February last.

What you have therein represented to us about the present disorders in the Government of New Hampshire, hath seemed to us so considerable, that we have laid the same before their Excellencies, the Lords Justices, according to the account of your proceedings and the protest in your aforementioned letter of the 16th of February; and having thereupon offered to their Excellencies our opinion, that in the interval till either Mr. Partridge do qualify himself for the exercise of his Commission, or till the Earl of Bellomont do arrive in that country, or till their Excellencies think fit otherwise to determine; their Excellencies would be pleased to give directions that his Majestys authority may not be trampled in your person, but that all persons in that Province be strictly required to pay you due obedience according to the tenor of your Commission.

These are therefore to acquaint you, that their Excellencies have thereupon been pleased by their order in Council to declare their approbation of what we so represented unto them, and to require us to signify their pleasure therein to you, that you may in pursuance thereof (till provision be otherwise made in some of the methods before mentioned) require all persons in that Province (at their peril) to pay you due obedience, according to the tenor of your Commission, from his Majesty.

So we bid you heartily, farewell,

Your loving Friends,

TANCKERVILLE
PH. MEADOWS
JOHN POLLIXFENS
JOHN LOCK
ABRAHAM HILL.

Indorsed — "Copy of the Lords Justices Lett^r to Jno. Usher."
[On the margin—"Whitehall, Aug. 3, 1697." — ED.]

Portsmouth. At a Council held the 9th February 1696.

Present.

John Hinks Esq. President.

Peter Coffin, Robt Elliott, Hen. Greene } Esqs.
Wm. Vaughan, Richd. Waldron } Esqs.

Ordered, that answer be given to Lt. Governor Stoughton's letter.

Portsmouth 9th Feb. 1696.

Honorable Sir.

We find a letter from your Honor of the 24th December, which has for some time lain dormant, and not brought before the Council; wherein you are pleased to signifie your interdicting all intercourse of trade unto Port Royal, and which we are very well satisfied with and shall take effectual care the same be done by this Government, notwithstanding some late overtures (on very specious pretences) have been made us to the contrary. We have further to let your Honor know that his Majesty hath now been pleased by commission under the great Seal, to nominate and appoint Wm. Partridge Esq. to be our Lt. Governor, and therein to null and make void the power and authority of John Usher, Esq. late Lt. Governor. Our Governor Allen also wrote and ordered Mr. Usher to deliver Mr. Hinks said Allens' Commission and Instructions, and desired said Hinks with the Council to take upon them ye Government accordingly, till Mr. Partridge should receive and publish his Commission, Mr. Usher not being now on the place.

The Commission and instructions then in the hand of Mr. Fryer were delivered to Mr. Hinks as President aforesaid, but notwithstanding all this, Mr. Usher is pleased to exert his weak endeavors to give us some disturbance; to ytt end appeared at Hampton on the last Sabbath day, and

we hear, in the forenoon before Sermon, made a large comment on the copy of this Commission. He also gave out orders to sundry officers civil and military, to meet him at Hampton the next morning, and the two First Companys of the towne to be then in arms; but miserably failing of his expectations, he withdrew and left the Province on Monday afternoon; assuring some of his creatures that Lt. Governor Stoughton had promised him if he met with any opposition here to give him assistance; and this account of Mr. Ushers motion we offer not your Honor as matter of moment, but rather of discussion,* being well assured your Honor will never give assistance to any further than may have a tendency to his Majestys service, and the good of his subjects; and therein according to our poore measures we shall always endeavor a joint compliance with you. Being, much honored,—Your Honor most humble serv'ts.

By order of President and Council.

HENRY PENNY, Sect.

Council adjourned to morrow 9 of the clock.

Portsmouth. At a Council held 10th February, 1696-7.

Present.

John Hinks Esq. President.

Peter Coffin } Hen. Greene }
Robt. Elliott } Rich. Waldron }

Adjourned to morrow, 11 of the clock.

* This word is doubtful,—perhaps *discretion.*

At a Council held 11th February, 1696.

Present.

John Hinks Esq. President.

Peter Coffin, Robt Elliott, Henry Greene } Esqs. Wm. Vaughan, Rich. Waldron } Esqs.

Ordered, that notice be forthwith given from this Board by Sect. to the several Constables within the respective towns in this Province, that they make all possible dispatch in collecting the Province rates and paying in the same to Major Wm. Vaughan, Treas. or his order, which was done accordingly.

Allowed, Mr. Rich Jose tenn pounds in full of his account of disbursetts & charges when last Sheriffe, besides what was paid him by Treasurer Partridge, which money is to be paid him by the Treasurer.

Ordered, that what men Peter Coffin Esq. doth hire out of this Province to keep his Garrison and masting shall be free from any Impress.

Ordered, that every particular member of this Councill shall have each of them one man free from all duty of watching, warding or training.

Ordered, to be allowed Mr. Geo. Jeffery his account of eight pounds fourteen shills. and seven pence to be paid by the Treasurer.

An account being brought in to the Board this day, of money due to sundry of the inhabitants of the towne of Portsmouth for soldiers wages & subsistance &c. as per particulars on file, amounts to £136:8:3

Allowed and ordered to be paid by the Treasurer out of the last 600 lbs rate. An acct. as above due to the inhabitants of the town of Hampton Amt to 110:11

Allowed and ordered to be paid by the Treasurer out of the last 600 pounds pounds rate. An account as above due to the inhabitants of the town of Exeter 147:11

Allowed and ordered to be paid by the Treasurer out of the last 600 pounds rate, An acct. as above to the inhabitants of the town of New Castle.	30:01:2
Allowed and ordered to be paid by the Treasurer out of the last 600 pounds rate, An account as above due to the inhabitants of the town of Dover.	35:03:5
Allowed and ordered to be paid by the Treas. out of the last 600 pounds rate, An account as above due to the inhabitants of Oyster River	20:02:00
Allowed and ordered to be paid by the Treas. out of the last 600 pounds rate.	474:16:10

Ordered, that the Treasurer do forthwith pay unto the six soldiers at the Fort, viz. Robt. Haynes, Hen. Langmaid, Thomas Barnes, Tho. Marden, James Philips and John Cross the sum of forty-three pounds, eight shills. and four pence, in part of pay for what is already due to them.

Adjourned to morrow morning at 10 o'clock.

HENRY PENNY, Secretary.

Portsmouth. At a Council held this 12th Feb. 1696.

Prest.

John Hincks Esq. President.

Peter Coffin, Rob. Elliott, Henry Greene } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

Whereas, by a late act of Assembly, Entitled "an Act for Paying 600 pounds for defraying the public charge of the Province," the proportion of each town rate to that sum of six hundred pounds was settled and the Treasurer

obliged before the 20th of October past to issue out his warrants to the respective Constables to collect and gather in said rates accordingly; and whereas it hath hitherto been omitted, in that many Constables have not yet received the Treasurers Warrants for collecting sd rates,—Ordered, that the present Treasurer forthwith give warrants to such Constables as have not yet received any, to collect said rates as above. Ordered, by this Board that Major Joseph Smith have notice to attend the Council at Portsmouth on Monday next being the 17th of this instant February at 10 of the clock in the forenoon, and bring with him an accott of what he has received and paid as Treasurer in this Province—notified accordingly.

Ordered, that Capt Jno. Gerrish of Dover, Capt Hen. Dow of Hampton, and Capt Job Alcott of Portsmouth, have notice to attend this Board Wednesday next at 10 of the clock in the forenoon. The Council adjourned to Wednesday the 17th inst.

HEN. PENNY, Secret.

Portsmouth. At a Council held this 17th February 1696. per Adjournment.

Present.

John Hinks Esq. Pres.

Nath Fryer, Peter Coffin, Robt. Elliott, Hen. Greene } Esqs.

Nath. Wear, Wm. Vaughan, Richard Waldron } Esqs.

Major Joseph Smith according to notice given him by order of this Board to give his attendance this day and bring with him his account of his Treasurership, accordingly he appeared with his account and was dismissed.

Capt. Jno. Smith, Capt. Hen. Dow, and Capt Job Alcock were sworn Justices of the peace for this Province.

Upon information to this Board that ye Bridg over Coche-

cha River is broken and gone, whereby relief to Heards Garrison will be hindered in case of an attack from the enemy, Ordered, that the Sect^y give notice from this Board to Capt Jno. Woodman, Capt. Jno. Tuttle and ye Selectmen of Dover, that they with all convenient speed call the inhabitants of the town together and make a sufficient bridg over Cochecha river, that Heards garrison may be relieved as there may be occasion.

HEN. PENNY, Secr^ty.

[Prov. Rec. B. I. p. 190.]

Letter from Lt. Gov. Wm. Stoughton, dated

Boston, February 24, 1696-7.

Honble Sirs,

I received yours of February curr^t in answer to mine formerly sent to your Government, relating to a restraint of all trade and commerce with the French of Port Royal & other the parts of Nova Scotia, which seems to be agreeable unto yourselves, and I doubt not of your care in that matter.

I understand Mr. Partridge has not seen cause yet to publish his Commission; the reason of the delay I am not certainly informed of. Various reports concerning your affairs are passing here. I hope all things are right and well; I should be sorry for any mistake, that may prove inconvenient to yourselves or prejudicial to the King's service. Its necessary that the orders of Government be duly acknowledged and submitted unto, under the present juncture of affairs when the enemy stands at the door. It may be reasonably expected that they will invade these parts by sea this spring or the summer coming on; they have given forth great threatenings, and its said from other parts that they particularly designe for Piscataqua River. I hope you will take effectual care that all things be in a good posture, fit to oppose and repel them, and any attacks which may be made upon you by land. I shall be ready on all occasions to assist you so far as I may be able, desireing to maintaine a good correspondence & neighborhood with yourselves and all his Maj^tys Governments. I am, Sirs,

Your affectionate Friend
and servant,
WM. STOUGHTON.

"For his Maj^tys service.
To the Honble the President and
Councill of his Maj^tys Province of
New Hampshire."

"*These.*"

Portsmouth. At a Council held this 26th March, 1697.

Present.

John Hinks Esq, President.

Nath. Fryer, Peter Coffin, Robt. Elliott, Hen. Greene } Esqs.

Wm. Vaughan, Nath. Wayer, Rich. Waldron } Esqs.

A letter from Lt. Governor Stoughton from Boston of the 24th February 1696, being read before this Board.

Ordered, that an answer be given to the same forthwith, which answer was read and approved of by this Board, and is as followeth.

Portsmouth 26 h March, 1697.

Hon Sir,—

Since ye receipt of yours 24th February, our Council hath not met till this day, soe could give you no answer thereto till now. As to Mr. Partridge not presently entering upon the Government, and Mr Ushers endeavoring to give us some disturbance thereupon, presume you have had a larger account than is now expected from us—so shall only let your Honor know at present that the people of this Province are in very quiet and orderly posture, readily and willingly submitting to the power, and obeying the commands of the President and Council, til Mr. Partridge see cause to enter upon the Government, and that his Majesties interest and service here is like to suffer no prejudice, save only from the common enemy, there being no room left for malcontents to create a division amongst us. We are very glad to find yr Honor under so deep a sense of the approaching danger from the enemy both by sea and by land, & particularly their designing for this river, and cannot but gratefully acknowledge your ready offer on all occasions to assist us as you may be able ; and therefore considering the great danger to which we were more particularly exposed, and our weakness and incapacity to defend ourselves ; and above

all the damage y^{tt} may accrue to his maj^{ys} interest and service by the loss of this river, so much depended on for the yearly supply of his Maj^{ys} Navy with masts:—We most humbly pray your Honor to afford us a supply of sixty able men for the strengthening of our Fort at Great Island, Frontiers, &c. for which will engage to pay the one half of the charge for subsistance & wages; & that the said men shall be ready together with so many of our Province as can be spared on all occasions to give reliefe to any place that may be attacked by the enemy in the County of York. We are now to work upon ye Fort to put that into the best posture of defence we can. The inhabitants of Strawberry Bank are also erecting a fortification landward to inclose the bulk of houses which with other charges accruing thereupon will cost them near four hundred pounds, beside the payment of their equal proportion to the equal charge of the Province. Oyster River and Cochecha have also their relief of men from Portsmouth and Hampton, and though it hath been some time objected that Hampton is a populous place and able to supply a good number of men for help of its neighbors;—In answer thereto, their remote scattered living renders them capable of doing little that way, and should they be reduced to narrow limits they would not be able to subsist. The Great Island also, where his Majesties Fort stands, contains not above thirty families, to which belong about 30 or 40 men appointed for service in the Fort upon occasion; but their manner of living much on the sea & fishing, they are some times reduced to a very small number, very unequal to what the Fort requires in case of an attack by sea; and indeed the whole Province are so much frontiers to ye enemy by sea or land, that one place is not able to give relief to another.

We have only further humbly to offer our opinion, that since the enemy by sea may, with considerably strength be probably expected, it may be advisable that a considerable number of men be 'listed through the body of the country, to

be all ready with orders to march at an hours warning towards the place where the enemy may bend their course, of which by scout, shallops &c. we may doubtless have advice before we see them. Thus all things considered, and more especially how much it imparts his Majesties interest and service to preserve this River, we confidently promise ourselves your Honors favor in giving the relief desired, and such farther as future occasions may call for: To which we pray answer by first, and remain,

Your Honors most humble servants.

By order of the President and Council.

HENRY PENNY, Secretary.

Ordered, that Mr Wm Reedford late Dept. Secretary, be paid four pounds ten shillings in full of his Salary from the 6th of November to the 20th January 1696.

[Prov. Rec. B. I. p. 195.]

Letter of Lt. Gov. Stoughton.

Honble Sirs,—

I have yours of the 26th of March past, in which you propose to be supplied with sixty able men from this Province for the strengthening of the Fort at Great Island, Frontiers, &c. within your Government, promising to pay one-half of the charge for their subsistance and wages. I have advised with his Maj^s Council thereupon (it not being in my power to send men out of the Province without their advice and consent) who are of opinion that it is impracticable to afford any constant assistance upon the terms proposed—this Province being greatly diminished both in men and estate, by reason of the distresses of the war and other public calamities;—but are willing, in case of the enemies approach to yield you what help and succour our circumstances admit of. Capt. Hancock, commander of his Maj^s ship Falkland, now here, intends speedily with the said ship for your River, which I hope will be a good guard for you during his stay, and better enforce you than the number of men desired. Our gentlemen are

as well sensible of the difficulty of raising men, as the supporting of them and making reasonable satisfaction to them for their service; and the line of our Frontiers is so large and so many men employed for the securing of the same—besides what are posted at the Castle and other forts and garrisons within the Province, over and above those employed by sea for guarding of the coast; that I know not from whence to draw more without the danger of exposing the towns and places from which they shall be taken, or depriving them of the season to attend their occasions of husbandry and providing for the subsistance of themselves and families for the whole year,—being already reduced to great scarcity and pinching wants.

I am, Honorable Sirs,
your affectionate Friend
& humble Servant

Boston, April 15th, 1697. WM. STOUGHTON.

To the President and Council of New Hampshire.

New Castle. At a Council held at New Castle the 15th April 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Robt. Elliott, Hen. Greene } Esqs.
Nath Waer, Wm. Vaughan, Rich. Waldron } Esqs.

Ordered, Major Wm. Vaughan to send six men to Heards Garrison at Dover for strengthening ye same, to be equally divided between Portsmouth and Hampton.

Ordered, that Thursday the 29th of this inst. April, be kept as a day of public Thanksgiving through out this Province and all servile labor to be forbidden thereon: Major Vaughan and Rich. Waldron Esq. appointed to draw up the proclamation and to be sent by the Sheriff to the ministers of each town to observe it accordingly.

Province of New Hampshire.

By the President and Council.

A Proclamation.

Whereas it hath been the good pleasure of God to signalize his goodness to us by remembering mercy in ye midst of Judgment, particularly in the preserving the life of our King from the villainous practices of those that have more than once attempted the assassinating of his royal person; and ourselves from the invasions of the enemy, this tedious winter last past, and more especially (so much beyond our expectations) in giving us a plenteous supply of bread with a fair prospect of a seasonable seed time:—For these and all other Gods mercies towards us, notwithstanding our undeservings of the same, The President and Council have thought meet to appoint Thursday the 29th of this inst. April, to be kept as a day of public Thanksgiving unto God. Inhibiting all servile labor thereon, and directing all people to a hearty and serious observation of the same; and to follow it with a right conversation, that God may show us more of his salvation this ensuing summer. And this all ministers and people within the several towns of this province are to take notice of & conform themselves thereto accordingly. Dated this 15th April, in the ninth year of his Majesties reign.

God save the King.

By order of the President and Council.

Hen. Penny, Sect.

Upon complaint of some of his Majesties Council that the highway between Hampton and Portsmouth, particularly the great Swamp is hardly passable and yet not without great danger,

Ordered, that the Secretary do forthwith give notice from this Board to ye Surveyors of the Highways of the town of Portsmouth, that they forthwith take effectual care that the said Highways be sufficiently mended, as they will prevent the penalty that will fall by law upon their neglect of the same.

Upon reading a letter from Lt. Governor Stoughton im-

parting their present want of powder for his Majesties service, and desires of a supply out of his Majesties store in this Province, promising to repay it in kind or money,

Ordered, that Jno. Hinks Esq. and President, & commander of his Majes^{tys} Fort at New Castle, doe order the delivery of ten barrels of powder out of his Majesties Stores, to whom Lt. Governor Stoughton shall appoint, taking receipt for the same, the value to be paid in pork, corn, and pease, to Major Wm. Vaughan Treasurer of this province, or his order, as he shall direct, for subsistance of soldiers in his Maj'ties service within this Province; and that answer be given to Lt. Governor Stoughton accordingly, which was as follows.

Honorable Sir,

We have y^{rs} 26th of March which came not to the Presidents hands until the middle of the week after, nor has the Council met until now; the remoteness of our living and danger of travelling preventing our meeting save only when necessity calls for it which is the only occasion of your having been so long without an answer, although your Honor hath been pleased longer to defer an answer to ours of the 26 ultimo, which in our opinion does very much import his Maj'ties service in this province, and which we hope your Honor at leisure will think of.

As for your desire of a supply of powder out of his Majesties Stores here, we shall always be ready to do what in us lyes for his Maj'ties service and your accommodation; and have accordingly examined our stores, where we find not thirty Rounds of powder left. However, that we may not be found wanting in any neighborly kindness, we will spare ten barrels which shall be delivered on demand, to whom your Honor sends for it, for value thereof in provisions for subsistance of soldiers in his Majesties service here this summer, or money to procure the same to be forthwith delivered and paid to Maj. Wm. Vaughan Treasurer or his order at Boston, as he shall direct.

We have no further to offer at present, but pray ye knowledge of your pleasure herein as well as answer to what we formerly wrote, as soon as may be, remaining

Your Honors' humble servts

By order of the President and Council.

H. PENNY, Sect.

Ordered, that if the Lt. Governor see cause to exchange provisions for tenn barrels of powder, it be recommended to the General Assembly at their next meeting to raise money to supply the said tenn barrels of powder to the Kings' stores again. Adjourned to morrow morning, nine of the clock.

At a Council held at New Castle per adjournment to the 16th April.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Robt. Elliott, Hen. Greene } Esqs.

Nath. Waer, Wm. Vaughan, Richard Waldron } Esqs.

For raising the work of the Fort at New Castle with turffe &c. Ordered that the Major do issue out his warrants to the Captains of Hampton and Portsmouth, to send eight able men from each town to appear at New Castle on Monday the 26th April, and the commander of the Fort to supply four men out of the town of New Castle at s^d time for s^d service, and that the President, Mr. Fryer, Mr. Elliott, and Mr. Holland be desired to supervise ye work and order the men thereabout.

Ordered, that Major William Vaughan send to the several Captains of the Province that they daily send out scouts to discover the tracking of ye enemy; said Scouts not ex-

ceeding two men in a company between each town & to scout according to the order of the major.

Ordered, that Nath. Fryer Esq. be the person that is appointed for the Probate of Wills and granting letters of administration in this Province.

Ordered, that Hen. Penny Sect. be the person that is appointed to be the clerk of ye cortts, clerk of the sessions and of ye inferior and Superior Court of Pleas in this Province and to take to himself those fees appointed for each office.

Ordered, that Nath. Waer be the Naval officer appointed at Hampton to enter and clear all vessels for what goods imported or exported, and to receive all duties & imposts as by Law, and to give an account of the same to the Treasurer of this Province for the time being; and to receive to himself the accustomed fees for his salary.

Ordered, that Mr. Francis Tucker of New Castle be appointed Coroner for this Province.

Ordered, that Major Wm. Vaughan, Capt. Jno. Pickering and Sect. Penny be appointed a committee to examine all Books, papers and records that were seized in the hands of Capt. Wm. Redford late Deputy Sect. by order of Council, and that the Committee take a catalogue of the same and bring into the Board the next sitting.

Ordered, that Sect. Penny be the Notary public in this Province and to take those fees accustomary in said place to himself.

Nath Fryer, Peter Coffin, Henry Greene and Nath. Waer were sworn Justices of the Peace.

New Castle. At a Council held at New Castle the 27th April, 1697.

Present.

John Hinks Esq. President.

Peter Coffin, Robt. Elliott, Henry Greene, Wm Vaughan, Rich Waldron Esqs.

Ordered, that if Major Wm. Vaughan see cause to alter the method of scouting either as to the number of men in a company or the times of scouting, its left to the Majors discretion.

Whereas there is a necessity of procuring provisions for the subsistance of soldiers in his Maj'ties fort here, and ye frontiers in this Province, and that there is no money in the Treasury to carry on the necessary charge of soldiers for his Majesties service: Wherefore Jno Hinks Esq. President, Peter Coffin, Robt. Elliott, Henry Greene, Wm. Vaughan and Rich. Waldron Esq. have each of them advanced twenty pounds in money to supply the ends aforesaid, to be each of them re-imbursed out of the first money that shall be in the Treasury in this Province,

Ordered, that Major Vaughan do send to Boston and disburse one hundred pounds of sd money in provisions for the use aforesaid, as sd Major Vaughan shall direct; and that on the arrival thereof in this place the one half of the same be delivered to Jno. Hinks Esq. Capt. of the Fort here; ye remaining 20 pounds remaine in Mr. Elliotts hands to attend further order.

Ordered, that Henry Greene Esq. be appointed Judge of the Inferior Court of Pleas in this Province, Capt Dow of Hampton, Capt. Hall of Exeter and Mr. Jno. Plastied of Portsmo be assistant.

Ordered, Peter Coffin Esq. be appointed Judge of the Superior Court of Pleas. Capt Jno. Gerrish and Capt. Job Alcock assistant.

Ordered, that Mr. Wm. Ardell late Sheriff, pay forthwith the balance of his acc^{tt} to Major Wm. Vaughan, Treasurer, being 9lb 12s and that ye Secretary notify the same to him, and in case ye said Ardell refuse to pay ye same, that the Sect. give warrant to the present Sheriff to take it by distress.

The Council contracted with Lt. Theodore Atkinson to be overseer of those men that are now at work on his Majties Fort, and to see them do their duty, and to allow him five shill. per diem for his pains.

Upon reading two letters from Lt. Governor Stoughton of the 15th and 21st instant answered as follows, but respited the sending it forward for some time.

New Castle 27 April, 1697.

Honorable Sir,—

We have yours severally of the 15th and 21st current, in answer to our two last, and find our hopes frustrated of what we confidently promised ourselves on your former advice of readiness to assist us. We wonder your Council should think it impracticable to afford us any constant assistance when it may be easily remembered we had it from Sir Wm. Phips, & since from your Honor, on easier terms than we now proposed, that our necessities are now increased and our danger much greater — as too yielding of help upon advice of the enemys approach, it hath generally happened that the late coming such help has proved fatal to those that have needed it.

However we must submit to Providence, praying only further, that seeing we ma'nt expect your bearing any part of the charge you would please to supply us with forty able men with arms &c. upon our own charge. The Faukland[?] being here, will neither add a man to our fort or frontiers; if we should desire it, we may rationally expect the Capt. to tell us he has brought his men to defend the Kings ship. We are glad you are like to be other ways supplied with

powder; nor should we have lessened the Kings Stores here on any terms but to have served you in exchange for provisions which we are at present wanting of for subsistance of soldiers here in his Maj'ties service. So praying your answer, hereto remain

Honble Sir, your most humble servants,

By order of the President and Council

HENRY PENNY Secretary.

Sent forward the above letter by Post, 3d May, 1697.

[Prov. Rec. B. I. p. 196.]

Letter from Lt. Gov. Stoughton.

Boston, May 3d 1697.

Honble. Sirs—

Myself and Council have thought it necessary for his Majs service to lay an Embargo upon Merchant ships and other vessels trading beyond sea,—the better to restrain men in the country in case of a foreign invasion;—the season of the year advancing apace, wherein the enemy may reasonably be expected in case they design for these parts: And, forasmuch as the seamen may have recourse unto your Province and get opportunity of voyages from thence to go out of the country, unless your Government please to order the like restraint upon ships and other vessels intended for foreign parts;—I have thought it advisable for his Majesty's service to recommend the same unto you,—hoping you will be ready to encourage and promote so good and needful an order, I am

Your very loving Friend,

Boston, May 1st 1697. WM. STOUGHTON.

President & Council of New Hampshire.

[Prov. Rec. B. I. p. 197.]

Letter from Lt. Gov. Wm. Stoughton.

Boston, May 5th 1697.

Hon'ble Sirs

I have yours of the 27th of April past and know no reason you have to think your hopes frustrated of any assistance I encouraged you to expect from hence, nor is it to be wondered at if his Majtys council here should thinke it impracticable for this Government to bear the charge of a standing Garrison within your Province, considering how greatly we are impoverished, and the extream difficulties we are put upon to carry on and support the charge of what must necessarily be provided for and maintained in the Frontiers of this Province, and for guarding of the Sea Coast. As for your proposal for a supply of Forty men at the charge of your Province, I shall advise with the Council thereupon at their sitting to-morrow, and give you a particular answer thereto, which will not be until after the posts setting forth. I have ordered a Levy of men to randezvous the middle of this month, which I intend to improve for his Ma'tys service in the Eastern parts, by which your Province will have benefit, and know not but the number proposed may be posted there. I am

Hon'ble Sirs

Your affectionate Friend & servt

Wm. Stoughton.

Prest & Council of New Hampshire.

At a Council held at New Castle the 21 May 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer	Henry Greene
Peter Coffin	Nath Waer
Robt. Elliott	Wm Vaughan
	Rich. Waldron

Ordered, Major Wm. Vaughan permit the clerk of the Courts to review and take copies of what records or papers necessary for him to the next Court of Sessions & of Common Pleas.

Ordered, Mr. James Lovett be coroner of this Province.

Whereas an order was issued from this Board ye last Council day for Major Wm. Vaughan, Treasurer, to receive from Mr. Wm. Ardell late Sheriff the balance of his account — The same being demanded from said Ardell, he refused to pay it, for that he said he had an order to the contrary: Upon which, Ordered, that a warrant be issued to the Sheriffe or deputy forthwith to apprehend the said Ardell and bring him before the President and Council tomorrow morning at Portsmouth by eight of the clock.

Council adjourned to Portsmouth unto morrow morning 8 o'clock.

[Prov. Rec. B. I. p. 198.]

Letter from Lt. Gov. Stoughton.

Boston, May 12, 1697.

Gentlemen—

According to the application made by yourselves to be assisted with Forty men at the charge of the Province, for his Majesty's service within the same; I have with the advice and consent of his Majesty's Council, ordered Capt. Isaac Negus, with the company under his command, consisting of Forty men with officers, to be embarked for your Province and there to attend and observe such orders and directions for his Majesty's service as shall be given by yourselves, until he receive further orders from myself or the commander-in-chief for the time being.

I am, gentlemen
Your loving Friend
WM. STOUGHTON.

President and Council of New Hampshire.

Portsmouth 22 May. At a Council by adjournment.

Present ut supra.

Whereas upon the desire of this Board Lt. Governor Stoughton has sent 40 men for the service of his Majesty in this Province;

Ordered, that 20 of said men be posted at the Fort at New Castle, and that Major Wm. Vaughan be impowered to impress soe many men out of this Province from time to time as with the remainder of the Massachusetts men may make good 2 men to Capt. Woodmans garrison, two to Smyths, one to Bunkers, one to Joans, one to Edgerlys, four to Heards garrison, two to Gerrish, one to Dams, and one to Tippitts, and ten or twelve to the inhabitants of Strawberry Bank in ye town of Portsmouth, who have made application for the same in their own charge, and that the said Major do forthwith take care to post said soldiers accordingly, taking security from the inhabitants of Portsmouth aforesaid for the payment and subsistance of such soldiers as shall be supplied to them, and that ye said Treasurer do take care to supply the s^d soldiers in the frontiers with provisions for their subsistance where they cannot be supplied by the inhabitants.

James Lovitt took his oath of Coroner this day before the Council.

Ordered, that Major Wm. Vaughan be paid out of the Treasury for his disbursement for a flagg for his Majestys' Fort, £10 2s 4d per account.

Ordered, the Secretary do issue forth warrants forthwith to apprehend Wm. Ardell late Sheriffe & bring him before this Board on Thursday next.

Ordered, that an Assembly be called to sit at New Castle for the Province of New Hampshire on Thursday the 8th day of June next at 2 of the clock in the afternoon and that a precept be issued out to ye Sheriffe to give notice that the freeholders of the respective towns for the choice of their several Representatives to sit in the assembly.

Ordered, that Capt. Isaac Negros, Capt. of those soldiers sent by Lt. Governor Stoughton do attend the orders of Major Wm. Vaughan during his abode in this Province; further that if the said Capt. Negros desire liberty to go home, the said Major shall permit him so to do, and by him

write to Lt Governor Stoughton that the men we desired being posted in Garrisons having no need of a Capt. it will be grateful to us if said Capt. be dismissed. It is left to the Major's discretion to supply the said Capt. with 40 or 50 shillings in money if he desire it.

Ordered, that Treasurer Vaughan do pay to 3 or 4 of ye most necessitous men that work at ye Fort, 20 or 30 shill. apiece as the President shall appoint.

Ordered, that Thomas Ramsdell, one of the soldiers sent hither from Boston, have liberty to return home if he desires it, by reason of his sickness and infirmity.

Sect. Penny was this day sworn Notary Public.

The Council adjourned to Thursday next at Portsmouth.

HENRY PENNY, Sect.

Portsmouth. At a Council by adjournment to this 27 of May 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin — Nath Waer, Rich. Waldron, Robt Elliott

Mr. Wm. Ardell appearing before this Board by virtue of a Warrant sent him, to answer his contempt in refusing to pay the Balance of his account to the Treasurer, and for saying he had an order to the contrary; and being demanded him by this Board who gave him the contrary order he answered Mr. Usher; but upon his humble petition, acknowledging his contempt and promising reformation, the Council ordered his dismission, paying charges 15 shillings, and the Bal. of his account 9 lb, 12, till when, he stands committed to the custody of the sheriff by warrant.

Ordered, that the following letter be sent to Lt. Governor Stoughton to answer his of the 12 current.

Portsm^o 27 May 1697.

Honorable Sir.

We are favored with yours 12 currant together with the 40 men according to our desire for his Majesties service in this Province; most of which men are posted at the King's Fort and Frontiers, by which means the Capt. who seems to be an active and diligent man, is rendered incapable of the service which he is qualified for, and his own inclination leads him to, and therefore seems desirous of a dismission which we leave to your Honors' good pleasure. We have now put the Kings' Fort on Great Island into the best posture of defence we are able, & shall endeavor by our care & watchfulness to prevent any surprise, by the enemys' landing upon us at unawares, & hope if the enemy should make an attack upon us, your Honor will forthwith give such farther assistance as may be necessary for his Maj'ties service and our preservation. We remain &c.

Ordered, that the soldiers now at the Fort, be employed as the President shall direct, about making a convenient breastwork at Jno. de'greeks* point at the Great Island, to prevent the landing of the Enemy passing Little Harbor, and that the soldiers be allowed 12d per diem each man, besides the Kings' pay.

At a Council held at New Castle this 8th June, 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer	Hen. Greene
Robt. Elliott	Wm. Vaughan
Nath. Waer	Richd. Waldron

Ordered, that the Treasurer pay to Nath. Batchelor thirty shillings for his service done for the Province. Adjourned tomorrow morning 10 of the clock.

* John Amazeen—called the "Greek."

At a Council held by adjournment to the 9th of June.

Present.

John Hinks Esq. President.

Nath Fryer Robt. Elliott Henry Greene	Esqs.	Wm. Vaughan Rich. Waldron	Esqs.

Ordered, Major Wm. Vaughan, Treasurer pay to Mr. Wm. Redford twelve pounds, the balance of his acct. and Salary as Dept. Sect.

Ordered, Major Wm. Vaughan Treasurer, pay the sum of eleven pounds, seventeen shills. due for wages to those sundry soldiers for their work on his Maj'tys Fort Wm. & Mary, at one shilling per diem each man as by list on file; and the same is by the Council allowed of; and that Major Wm. Vaughan Treasurer pay unto Mr. Theodo. Atkinson the said sum of 11:17, & he to pay the same to each man as pr. ye account.

Ordered, Maj. Wm. Vaughan Treasurer pay to Capt Jno. Pickering 9 lbs 17:11, being so much disbursed on the account of the Province, with Maj. Vaughan, as per account on file.

Allowed Mr. Dunking Camball 12£ for one years encouragement of the post office for the year last past, as per Act of Assembly, & that the Treasurer have order to pay it.

Allowed Jno. Hollicoms bill	£3 6s 6d
Allowed Jno. Seward for one soldier	0 6 0
Allowed Mark Ayer for a soldier	0 6 0
Allowed Joseph Sadler for 8 weeks and two days pay	2 9 6

Adjourned tomorrow 10 a clock.

At a Council held at New castle per adjournment to this present Thursday, 19th June 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer Peter Coffin Rob. Elliott	Henry Greene Nath. Waer Wm Vaughan Rich. Waldron

Ordered, Mr Phesant Eastwick, collector of the Impost, be accountable to Wm. Vaughan Esq. Treasurer for the same. Adjourned to the 23d instant 2 of the clock afternoon.

At a Council by adjournment to this 23d June.

Present.

Jno. Hinks Esq. President.

Nath. Fryer Robt. Elliott	Wm. Vaughan Rich. Waldron } Esqs.

Adjourned to morrow 10 of the clock.

P. xxv.(1)

At a Council adjourned to the 24th June '97.

Present.

Jno. Hinks Esq. President.

Nath. Fryer Peter Coffin Robt. Elliott } Esqs.	Nath. Waer Wm. Vaughan Rich. Waldron } Esqs.

The committee appointed to give in a catalogue of Books and papers in Major Vaughan's hands, which were taken from the late Dept. Secrit. were accordingly given in this day to the council.

The Council adjourned to morrow morning 10 a clock.

(1) The numeral letters which follow denote the page of the original MS. records as far as page LXXI.—Ed.

At a Council held by adjournment to the 25th June 1697.

Present.

John Hinks Esq. President.

Nath. Fryer Peter Coffin Robt. Elliott	Esqs.	Nath. Waer Wm. Vaughan Rich. Waldron	Esqs.

Ordered, the Secretary give notice and Capt. Dow and Mr. Daniel Tilton of Hampton that they attend the Council Wednesday 31 inst. Adjourned to morrow ten of the clock, in the morning.

At a Council held by adjournment to this 26 June '97.

Present ut Supra.

Upon perusal of the Catalogue of Books and papers given in to the Council by a committee appointed by this Board,

Ordered, that the book of Probate of Wills and Administrations be delivered to Nath. Fryer Esq. he being the person appointed ordinary. Adjourned to Wednesday at New Castle the 30 of this instant June, at 2 of the clock in the afternoon.

At a Council held by adjournment to this 30 June 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer Peter Coffin Rob. Elliott		Henry Greene Nath. Waer Wm. Vaughan Rich. Waldron	Esqs.

Capt. Dow and Mr. Tilton attended this Board according to their order.

Allowed Dan'l Tilton's acct. for soldiers as on file, 9:14:8. Adjourned to morrow morning 10 a clock.

P. XXVI.

At a Council by adjournment primo die July, 1697.

Present ut Supra.

Ordered, Treasurer Major Wm Vaughan pay Mr Geo. Jaffrey the balance of his acct. due to him being 8£ 14s 7d. Adjourned tomorrow morning ten a clock.

At a Council by adjournment Friday 2d July 1697.

Present ut supra.

Ordered, that what Books & papers are in Major Vaughan's custody concerning this province since the time of Lt. Governor Usher's coming into this Province be delivered as followeth:

Those relating to Probate of Wills, and letters of administration to Nath. Fryer Esq. who is appointed ordinary, those books and papers relating to the secretarys office, and what books and papers relating to the Clerk of the Writs, and Clerk of the Sessions, and clerk of the Superior and Inferior Courts, be delivered Henry Penny, the officio appointed for those places.

Ordered, the Treasurer pay the widow Permitt 35 lbs. according to order of Council for dieting of soldiers as per note, July 23, 1696. Adjourned tomorrow ten a clock morning.

At a Council held at New Castle per adjournment 3 July, 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer	Nath. Waer
Rob. Elliott	Wm. Vaughan
Peter Coffin	Rich. Waldron

Sundry claims and accts. adjusted by the Council as on file. A letter being read from Lt. Governor Stoughton containing the laying of an embargo,—Ordered, the following answer to be given, and an Imbargo to be forthwith lain.

P. XXVII.

New Castle July 3d 1697.

Honorable Sir.

We have only to let your Honor know that yours of the 23 June has been considered and that we could easily evince there has not been that just occasion for those Complaints your Honor hath been pleased to intimate; however that we may in nothing disoblige yor Honor we have caused a strict Imbargo to be laid for the future and shall take effectual care it may observed.

At a Council held at New Castle 3d July 1697.

Whereas we are in daily expectation of an attack from the French and Indian enemy both by sea and land, & finding it necessary to prevent the exportation of provision and to keep our Seamen at home, soe necessary at such a time: The President and Council have thought meet to lay an embargo on all ships and other vessels bound to foreign parts, and all naval and other officers concerned are to take notice hereof, soe as henceforward to give no clearing nor grant any permit to the master of any ship or vessel as

aforesaid; and this Imbargo to be strictly kept till further order, on all vessels, except only such as have been some time loaden, & have formerly had their clearing and permit to sail.

Whereas Hen. Sallaway of Malden, being some time detained here upon suspicion of his designing with the French, & of his going to them: Upon his address and desire now to the Council that he may permitted to goe to Boston to procure some testimonial for his acquittance & clearing, the Council admits him soe to do; the said Henry Sallaway entering into recognizance to his Maj'ty in 50£ for his good behavior, which was done accordingly.

Ordered, those of Massachusetts soldiers now posted at Strawberry Bank, be posted at the Frontiers and our own men that are at the Frontiers be drawn home, & that Maj^r Vaughan order it accordingly.

An account of Debts and claims due from the Province and allowed by the Council as by the sundry accts on file, vizt.

	£	s	d
To Laborers at the Fort as particulars on file	64	4	
To subsistance of s^d laborers as per particulars on file	38	5	
To charge of horses and Gundelows to bring turf to the fort, as per particulars on file	16	4	
P. XXVIII.			
To sundries at Portsmouth for subsistance of soldiers from Boston, before the Council ordered their dispose as per acct on file	4	7	8
To James Randle for 6 days work at clamping the carriage wheels, finding himself diet	01	04	
To Benja. Geary, 6 days work at 3:6: P. diem	01	01	
To Jno. Marden, 3 days at 3:6 per diem		10	6
To Joseph Weeks, being sent to Exeter and Hampton on the public service himself and horse		06	
To Nath. Airs, 4 hoes at 4s each, and 3 spades at 6s	01	14	
To Oba. Moss, 2 hoes & 2 spades	01	01	
	£138	17	4

To sundry debentures as per Capt Tuttell on file viz:

To Sam. Haynes 4 weeks 5 days as a soldier, as p^r on file £01 08 2

To Wm Haynes, ditto,	01	08	2
To Rich Tru 27 weeks 2 days as P. debenture on file	08	04	4
To Benja. Thomas ditto 4 weeks	01	04	
To Moses Levett 5 weeks as per debentures on file	01	10	0
To Ichabod Roby, 7 weeks ditto	02	02	
To John Markfield 7 weeks 4 days ditto	02	05	4
To Jos Taylor, 2 weeks 2 days ditto		03	8
To Moses Elkins, 4 weeks 4 days ditto	01	04	10
To Jonath^n Elkins, 4 weeks 2 days ditto	01	05	8
To James Johnson 4 weeks ditto	01	04	
	£22	10	2

An account of soldiers served his Majesty in Garrison as pr Capt Tuttles acct. on file: —

To Jno. Reed, a soldier from the 26 April 1697 to the 21 of June following, being 8 weeks	02	08	
To Saml. Snell, ditto	02	8	
To Jos. Marston, ditto	02	08	
To Rowland Jinkins, from the 15th of June to the 21	00	05	2
To John Nay from the 14 of Feb. '96 to the 21 of June '97, being 18 weeks	05	08	
To James Noraway, from the 13 November 1696, to the 21 June 1697, being 31 weeks 3 days	09	08	6
To Nich. Waldron 1 week, 21 June	00	06	
To Wm. Pomrey 4 weeks 3 days	01	06	7
	£23	18	3

Due to sundry Inhabitants at Dover for ye subsistance of soldiers from the 13, 9br. 1696, to the 21 of June as per Capt Tuttles' acct on file: —

To those of Heards garrison	09	16	5
P. XXIX.			
To Capt Gerrish. his garrison	11	19	1
To Mr. Pikes garrison	03	12	
To Samuel Tippits garrison	03	16	
To Mr. Dams garrison	6	16	5
To Capt. Tuttles garrison	01	09	4
To two men post pr ditto at Oyster River		5	
	37	14	3
The foregoing acct. of claims amounting to	213	00	00

Examined pr a committee as on file and allowed.

Sundry of other accounts & claims brought in and allowed by the Council, viz.

An account of Jno Hinks Esq. as on file	23	11	4
ditto Robt. Elliott Esq.	01	19	10
" Doctor Packer	10		

"	Francis Tucker for Rich Stileman	06	10	
"	John Buttson	07	07	
"	Jno. Walker	01	08	
"	Will Furbur	01	00	
"	Tho. Footman	07	04	
"	To the Fort acct. to the 10th of May 1697,	86	8	
"	John Bickford ferryman	00	14	8
		146	3	4

At a Council held at New Castle
Monday 19th July 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.
Wm. Vaughan, Rich. Waldron } Esqs.

Ordered Major Vaughan send forthwith six soldiers from Strawberry Bank to Exeter to be there posted to attend ye motion of Major March, his scouts between Exeter & Haverhill, & to join with them in that service; and the remainder of the soldiers at Strawberry Bank to be sent to the frontiers to relieve soe many of our own inhabitants, & that Capt. Negros be advised to accompany his men at Exeter; further, that the Major do order Capt. Tuttle of Dover, Capt. Woodman of Oyster River & Capt Hull of Exeter to supply Major March's scouts with pilots from place to place, as they may have occasion in their march upon the heads of our Towns.

Ordered, that a blank commission be drawn by the Secty for a Field Marshal.

P. xxx.

Hen. Sallaway attended this Board & brought a certificate concerning him, which was not approved of by the Council, & so was ordered to return and procure one more authentic from the Government of Boston and to remain still on his recognizance.

[Prov. Rec. B. I. p. 211.]

Letter from Lt. Gov. Stoughton.

Boston, July 22d, 1697.

Gentm

I have thought it necessary to communicate unto you the present intelligence and reports stirring here.

This week arrived at Salem, a fishing Katch that had been taken about Cape Sables by a French ship of war, of fifty four guns or upwards: The commander whereof gave the said Katch to some English prisoners he had then on board, to transport them hither, and the prisoners say that the commander of said ship declared his intentions to come further upon this coast. There is also a Barque from Canada with about sixty or seventy men that has taken several of our fishing vessels; the company belonging to some of them are come home, who say that the French on board said Barque, and one Dantrimony a liver on shore about Cape Sables, reported that there was a squadron of French ships of war designed for these parts, and that Casteen was gathering together a body of French and Indians to attack us by land: Also, That a Parquet boat from France arrived at St. John's the beginning of April last. It may be so far necessary to credit this report, as to excite all care and vigilance in looking out and doing what may be further necessary in preparations to repel them in case they come.

I apprehend it very advisable that you order two well sailing shallops or sloops well fitted for rowing to lie abroad for espyal, and to give speedy notice of the approach of any ships; which, I hope you will accordingly put in practice.

Genlm

Your affectionate Friend and servant

WM. STOUGHTON

I have refresht my advice to
Capt. Hancock to remain in your
River with his Majs ship under
his command, until he receive further
Orders, and if you find it needful,
yourselves to inforce the said advice.

President and Council of New Hampshire.

At a Council held at New Castle, monday 26 July 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.

Hen. Greene, Nath. Waer, Wm. Vaughan, Rich. Waldron } Esqs.

Upon reading a letter from Lt. Governor Stoughton advising of the danger of the enemy's attack upon us both by sea and land:

Ordered, that Robt. Elliott Esq. do forthwith take up a convenient shallop for his Maj'tys service, and get ye same fitted to accommodate 8 or ten men with provisions, to cruise to the eastward of the Isle of Shoals, for discovery of any approach of the enemy by sea; & ye charge to be paid out of the public Treasury; or if that fail, by ye respective members of the Council in equal proportion. And that Jno. Hinks President, do take care to supply men for this service from the Fort & elsewhere, & give order for a meet person to conduct this affair.

Whereas Eliza Smart presented her petition desiring a divorce from her husband, he being married to another woman at New York as by testimony from his own hand to Jno. Hinks, Esq. President, as also the testimony of Rob. Almary; If therefore the said Rob. Almary do swear before the Justice of the Peace to the truth thereof, then the President do issue forthwith a Bill of divorce accordingly.

P. XXXI.

At a Council held at New Castle, Saturday 21 August, 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Robt. Elliott } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

Upon application made by Major Jno. March, Command-

er-in-Chief of his Maj'ties forces now bound eastward, for the assistance of a Pilot or two and some other necessaries for that expedition,

Ordered, that he be supplied as far as we are able, & that an order be sent to the Secretary from this Board to Jno. Abbott forthwith to appear before ye President, John Hinks Esq to take further orders for attending his Maj'ties service in the expedition above said, & that Capt. John Pickering or some other officer be ordered to impress an able man to supply the place of Jno. Abbott, in his fishing boat during his absence.

At a Council held at New Castle Wednesday 1st 7 bris, 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Robt. Elliott — Wm. Vaughan, Rich. Waldron

Whereas John Wintworth commander of ye Ship Portsmouth, together with the owners of s^d Ship addrest this Board that he might have license & Commission for attacking, subduing, surprising and destroying of his Maj'tys enemies;—By virtue of his Maj'tys Commission to the President and Council, ordered a Commission be accordingly drawn and given to s^d Wintworth, for Capt. of said Ship—Copy of the Commission is in file.

Ordered, Lieut. Governor Stoughton be written unto to signify we are now hopeful ye greatest danger of a sea Invasion is now over, and that we are not capable of sustaining soldiers any longer than utmost necessity requires; we are therefore now hopeful in a little time to get money to pay them off, & desire his order for ye drawing off the soldiers accordingly.

P. XXXII.

New Castle, Primo 7 bris, 1697.

Honorable Sir.

Being now hopeful that ye danger of an invasion from the enemy by sea is over for this year, & finding ye poverty of our People soe extreme that we are not able to sustain the charge of soldiers any longer than utmost necessity requires; These are therefore to let your Honor know that the money given by our Assembly for payment of your soldiers is now collecting; & we hope in ten days or thereabouts sufficient will be brought in to discharge them; so that we pray your Honor's order seasonably for the drawing them off, and a signification of your pleasure whether an acc^t of their service here should be adjusted with the Captain, & the money paid him, or how your Honor shall otherwise order. We are, Honorable Sir,

Your Honors' most humble servant.

By order of President and Council.

HEN. PENNY, Secrit.

Whereas sundry persons have deserted His Maj'tys service from on board his Majesties Ship Fauckland, Capt. Robt. Hancock, Command^r, who it is supposed have been harbored and concealed by some ill-minded persons, the inhabitants of this Province:

Ordered y^t a Proclamation be sent from this Board to be published in the several towns of this Province by the Command^r of the militia, their forbidding all persons to harbor or conceal any deserters as aforesaid, requiring all persons to endeavor the discovery of any such, & where any person appears to be suspected to give notice thereof to the next Justice of the Peace, who are hereby required to examine all such persons, & such as they find to be deserters as above forthwith to return them to this command.

Province of New Hampshire.

By the President and Council,

A Proclamation.

P. XXXIII.

Whereas sundry persons have deserted his Maj'tys service from on board his Maj'tys Ship Faukland Capt. Robert Hancock command[r], who have doubtless been harbored and concealed and forwarded in their escape by some illminded persons inhabitants of this Province:—These are therefore to require & command all persons in the several towns within this Province to use their utmost endeavors for the discovery of any deserters as aforesaid; & when any appears to be suspected to carry him or them before the next Justice of the Peace to be examined, and if found to be such, the said Justice of the Peace is hereby required forthwith to send him or them with a sufficient guard to their command[r] Capt. Rob. Hancock at New Castle, & whosoever shall harbor, conceal or further the escape of any such deserters shall be proceeded against with the utmost severity of the law: dated in New Castle this 1st 7 bris, 1697, in the ninth year of his Maj'tys reign.

By order President and Council.

HEN. PENNY, Secrit.

Ordered, that the Field Marshal with aprobation of the Major of the regiment have liberty to make a Deputy.

Ordered, that notice be given from this Board to advise the selectmen of Exeter to notify to the constables of the town not to collect the first payment of the rates of those who have lately subsisted any of the Mathathusetts soldiers.

Allowed Jno. Lows for baking the soldiers bread one pound a P— not on file.

Ordered, that eight men be continued in his Maj'tys Fort at New Castle until the last of 8ber next and what now are wanting to make up that number to be detached from Hampton & Portsmouth, & the Treasurer to supply a barrel of pork and some corn for their subsistence if be in the Treasury.

Ordered, that notice be given to the inhabitants of the several towns in this Province who have any claims to

bring in for any disbursement since the 21st of June last that they bring in the same at New Castle to ye Council on Monday next, being the fourth of 8ber, at 2 of the clock in the afternoon; and that the Captains of the several towns proclaim this accordingly.

Ordered, that the Captains of Portsmouth & Hampton send two able men each at New Castle to serve in his Maj'tys Fort with sufficient arms.

Adjourned to Monday next at New Castle the 4th 8ber 1697, at two in the afternoon.

[Prov. Rec. B. I. p. 224.]

The account of Oyster River's people for their subsistence of soldiers from May, the twenty fourth, 1697, unto this instant, is as followeth:

Joseph Smith for 2 soldiers, 18 weeks,	07:04:00
Jemes Buncker for 1 soldier 18 weeks	03:12:00
Ensign Jones for 1 soldier 18 weeks	03:12:00
Mr. Thomas Edgerly 1 soldier 18 weeks	03:12:00
John Woodman 2 soldiers 18 weeks	07:04:00
	25:04:00

John Woodman, Captain.

October 4: 1697.

The names of the soldiers, are,

John Gray
William Henenen[?]
Thomas Degens
Henry Nayl
Edwerd May
Jems Furber
Jems Mecker

P. XXXIV.

At a Council held by adjournment at New Castle, monday 4 8ber 1697.

Present.

Jno Hinks Esq. President.

Peter Coffin, Rob. Elliott } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

After the receipt of several claims brought in to the Council, adjourned to morrow 12 of the clock as on file.

At a Council by adjournment to this present Wednesday, 6 8ber 1697.

Present.

John Hinks Esq. President.

Peter Coffin, Rob. Elliott, Nath. Waer } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

Ordered, that what provisions are in ye custody of Treasurer Vaughan may be delivered to Jno. Hinks Esq. or order for the use of the soldiers at the Fort.

Rich. Waldron Esq. making it appear to this Board that twelve hhd. of Rum imported into this Province by the Rich^d and Mary, Samuel Alcock master from Barbadoes, were again exported out of this Province within the time limited by law, whereby the draw back of 2-3ds custom becomes payable to him the said Waldron, ordered, the Secretary is to signify to the Collector from this Board and order him to make payment thereof accordingly.

At a Council held at New Castle
Thursday 14th 8ber 1697.

Present.

Jno. Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.
Wm. Vaughan, Rich. Waldron } Esqs.

Upon reading a letter from Capt. Rob. Hancock commander of his Majesty's Ship Faukland, wherein he makes application for eighteen men to make up the established number ye King allows the Ship:

P. xxxv.

Ordered, that notice be given by the Secretary from this Board to Capt. Rob. Hancock, yt the Council are very solicitous to do whatsoever lies in their power for the promoting his Maj'tys interest and service; but considering the present circumstances of this Province, being by sea & land wholly frontier to the enemy, and all our men 'listed in his Maj'tys Fort & Garrisons, being many too few for our own defence: We having been necessitated to pray the assistance of forty men from the Lt. Governor of the Massachusetts Province, which are now drawn off again, and left us very weak; the small concern of shipping belonging to this Province being now most abroad; We being also beholden to our neighbor government for men to man those few vessels are sent abroad from this Province,—all which considered, we are in no present capacity of affording the supply desired. The above order notified to Capt Hancock accordingly.

At a Council held at New Castle
Monday 25th 8ber. 1697.

Present.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.
Wm. Vaughan, Rich. Waldron } Esqs.

Those sundry acc^tts as on the other side and not before entered, were allowed and passed.

	£	s	d
To money disbursements for subsistance of laborers and soldiers at the Fort £120 and interest 6 months	4	16	8
	124	16	8
To half years pay and subsistance from the 10th of May to the 10th of 9ber as P. particulars on file	77	15	0
To old arrears due to the Fort in Walton's time, P. estimate	24		
	101	15	0
To the Sherif Rich Jose, fitting the prison	10	16	10
To the Secretary Henry Penney P. account	12	2	6
To Jno. Hinks Esq. P. acct.	12	1	9
To Capt Kinsley Hall for subsistance of the Massachusetts soldiers P. acct.	6	6	9
To Rob. Elliott Esq. P. acct.	4	12	4
To Capt Tuttles acct. for subsistance of soldier as P. account	20	12	0
To Capt Woodmans for subsistance of soldiers	25	04	0
To Major Vaughan for subsistance of Capt Negros men	1	17	9
XXXVI.			
To Hannah Permitt for subsistance of soldiers belonging to Capt Whyting	1	16	0
To Eliza West ditto		13	8
To Jno. Amazen passing of horses		8	6
To Lucy Stileman, sub^ste of soldiers		9	6
To Elish. Bryard attending the Council	1	10	0
To Jos. Read, smyth to the Fort		13	10
To Jno. Holicom, acct. subsistance		6	0
To Jno. Nay a soldier one month and a day P. Capt Tuttles certificate	1	4	8
To Joseph Maston a soldier, 4 weeks and a day P. Capt Tuttles certificate and assigned over to Capt Tuttles and Theod. Tippits	1	4	8
To so much brought over £329 0s 8d,	102	9	0
To Theod. Atkinson P. acct.	1	9	2
To Jno Lewis bread for soldiers	1	0	0
To widow Grafton entertaining a sick soldier	1	6	0

To 4 soldiers dismissed of Capt Negros' company going home	1	4	0
	5	9	2
To sundry allowances made of acct's which were before entered and approved of—amounts	679	18	4
	1014	8	2

The above accts. amounting to one thousand fourteen pounds eight shill. and two pence are all allowed by the Council, and the Secretary is to give order to the Treasurer for the payment of the same, forthwith, excepting only 262 2 5
as P. particulars hereunto annexed, who must stay for their pay until the next rate be collected.

HENRY PENNY Secretary.

To Rich Joce	10	0	0
To laborers at the Fort	64	4	0
To horses and Gundelos	16	4	2
To soldiers subsistance at Portsm°	4	7	8
XXXVII.			
To Doct. Packer	10		
To Batsons	7	7	6
To Walker	1	8	0
To Wm. Furber	1	0	0
To Footman	7	4	0
To Bickford the Ferryman		14	8
	27	14	2
carried to next leaf / brought from the other side	122	10	0
To Daniel Tilton	9	14	3
To the half years pay and subsistance to the Fort to the tenth of November next	77	15	0
To Capt. Hall's acct. for subsistance of soldiers	6	6	9
To Capt. Tuttle's at Dover ditto	20	12	0
To Capt. Woodman ditto Oyster river	25	4	0
	262	2	5

To sundry orders given the Treasurer to pay the several sums following viz.

To Mr. Geo. Jaffery	8	14	7
To Mrs. Permitt.	1	15	0

To the soldiers labor at the new platform, paid to Mr Atkinson	11 17 0	
To the Massachusetts soldiers and disbursements	272 14 0	295 7 7
To an order for the disbursement and at Portsmouth P. acct.		56 17 10
To an order for Mrs. Permitt		40 1 0
To Jno. Hinks Esq.		35 13 1
To an order for sundries at New Castle		26 0 10
To an order for sundries at Hampton		23 4 10
To an order for sundries at Dover		38 18 11
To an order for the soldiers at the Fort to be paid Jno. Hinks Esq.		110 8
To an order for paying 124:16:8 for subsistance and labor for the soldiers at the Fort to be paid Rob. Elliott Esq.		124 16 8
To 4 soldiers of the Massachusetts when dismissed to pay their charge home		1 14 0
The whole		1014 8 2

Association in New Hampshire, to stand by the Protestant succession—1697.

[Copied from Farm. & Moore's Hist. Coll., Vol. I. p. 126.]

Whereas there has been a horrid and detestable conspiracy formed and carried on by the Papists and other wicked and traitorous persons, for assassinating his Majesty's royal person, in order to encourage an invasion from France on England, to subvert our religion, laws and liberty—WEE, whose names are hereunto subscribed, do heartily, sincerely and solemnly profess, testify and declare that his present Majesty King William is rightfull and lawful King of the Realms of England, Scotland and Ireland; and that neither the late King James nor the pretended Prince of Wales, nor any other person hath any right whatsoever to the same. And we do mutually promise and engage to stand by and assist each other to the utmost of our power in the support and defence of his Majesty's most sacred person and government, against the late King James and all his adherents. And in case his Majesty come to any violent or untimely death (which God forbid!) we do hereby further freely and unanimously oblige

ourselves to unite, associate and stand by each other in revenging the same upon his enemies and their adherents, and in supporting and defending the succession of the Crown, according to an Act made in the first year of the reign of King William and Queen Mary, entituled "An Act declaring the rights and liberties of the subject, and settling the succession of the Crown."

Signed 14th 10 mo. 1697.

John Plaisted
Samuel Leavitt
John Redman
David Lavans(1)
John Hall
Thomas Chesley
Richard Jones
Theodore Atkinson
John Tucke
William Patridge, Lt. Governor.
William Vaughan
Richard Waldron
John Usher, Lt. Gov.
Nath. Fryer
Peter Coffin
Robert Elliott
Shadrack Walton
Samuel Dow
John Hatch

Commission of William Partridge, Esq., Lieut. Governor of the Province of New Hampshire.

WILLIAM the THIRD by the grace of God, King of England, Scotland, France & Ireland, defender of the Fayth &c. to our trusty and well beloved WILLIAM PARTRIDGE, Esq. Greeting. WEE Reposing especiall Trust & Confidence in your Prudence, Courage & Loyalty, have thought fitt to nominate and appoint, and we do by these presents nominate and appoint you the said William Partridge to be our Lieut. Governor of our Province of New Hampshire in America: To have, hold, exercise & enjoy the said office and place of our Lieut. Governor of our said Province of New Hampshire, with all the Rights, Privilidges profits & advantages to the same belonging and appertaining, for and during our pleasure, to be at any time signified under our Royall Signett & Signe manuall, which said signature shall to all intents & purposes, revoke and make null this our Commission. And in case of the death or absence of our Governor in cheife of our said Province of New Hampshire for the time being, Wee doe hereby authorize and require you or such other our Lieut. Governor as we shall at any time hereafter appoint under our royall Signett & Signe manuell to execute and performe all and singular the powers and directions contained in our commission,

(1) David Larans—Lawrence?

granted or to be granted unto our said Chiefe Governor or now in force or such instructions as he hath or shall at any time receive from us, and you are to follow such orders and directions as you shall receave from our S^d Governor in Chief of our said Province of New Hampshire for the time being. And we doe heerby command all and singular of our officers ministers & Louving subjects of our S^d Collony and dominion and all others whom it may concern to take due notice thereof. And whereas by our commission under our great Seale, Bearing date the first day of March in the fowerth yeare of our Reigne, Wee have constituted and appointed our trusty and well beloved Sam^el Allen Esq to be our Governor, & Jno Usher Esq to be our Lieut Governor of our said Province of New Hampshire, Wee doe by these presents, revoake soo much of our said Commission whereby the s^d Jno Usher Esq. is constituted and appointed to be our Lieut. Governor of our Said Province of New Hampshire, and all the Powers and Authoritys thereby granted to him, declaring the same to be for the future voyde, of none efect soe farr as it relates to the said Jno Usher: In Wittness whereof wee have caused these our Letters to be made pattents. Wittness Thomas Arch-Bishop of Canterbury, and the rest of the Guardians and Justices of the Realme att Westminster, the twenty sixth day of June in the eight year of our Reigne.

CHUTE

Loco Sigilli.

Province of New Hampshire.

At a Council held this day at Portsmouth being the 14th 10ber 1697.

XXXVIII.

Present.

Lt. Governor Partridge Esq.

Jno. Hinks Esq. President.

Peter Coffin, Rob. Elliott } Esqs.

Nath. Waer, Wm. Vaughan, Rich. Waldron } Esqs.

This day was published both at Portsm^o & New Castle the Kings Commission under the Great Seale of England

bearing date the 26 of June in the 8 year of his Maj'tys Reign, whereby the Honorable Wm. Partridge Esq. nominated, appointed and impowered Lt. Governor of this Province; and the said Partridge having taken the oaths according to law and subscribed the test and association took upon him the exercise of Government according to said Commission.

Ordered, that notice be given Mr. Jno. Cotton minister of Hampton that he observe & keep the Thanksgiving day appointed by President & Council on Thursday next.

Reverend Sir—

The Council are informed Mr. Usher hath forbidden the observation of the Thanksgiving day which occasioned the order herewith sent. Lt. Governor Partridge hath been pleased to publish his Commission and take upon him the Government accordingly, which will leave Mr. Usher no room for future pretences to give us any further disturbance. We are well satisfied with your good and pious conversation and doubt not of your ready compliance with & submission to the present authority, until his Majesty see cause to alter it. Assuring you we are your very loving Friend.

Ordered, that the selectmen of Hampton do notify to the inhabitants thereof, that the Thanksgiving day appointed by the President and Council on Thursday next, be duly observed as has been usual in such cases. By order Lt. Governor and Council.

H. Penny, Secrit.

At a Council held at New Castle 14th xber 1697.

Present as before.

Ordered, a summons be sent to Wm. Ardell to make his personal appearance before this Board; he appearing accordingly & was charged for breaking open the Kings [xxxix.] Stores at New Castle, and being demanded by what power he did it, he produced an order as in under is a

copy. Said Ardell was committed to the custody of Lt. Jno. Snell to deliver up said Ardell to the sherif or deputy and to have him before the Lt. Governor & Council tomorrow morning 10 of the clock.

Province of New Hampshire.

New Castle 13th xber, 1697.

You are in his Maj'tys name required to break open the door where the Kings Stores are, and seize the stores and deliver the same to Capt Shadrack Walton, Capt. of his Maj'tys Fort, Wm. and Mary, for wch this shall be your warrant. given under my hand and seal at arms.

JNO. USHER, Lt. Governor-in-Chief.

To Wm. Ardell Esq. Sheriffe.

Ordered, a summons be sent to the Constable that Capt. Walton, Jno. Hust and Jacob Randle to appear before the Lt. Governor and Council to-morrow morning at 10 of the clock.

At a Council held at Portsmouth 15th xber 1697.

Present.

Lt. Governor—Jno. Hinks President, Esq.

Peter Coffin	Esqs.	Nath. Waer	Esqs.
Rob. Elliott		Wm. Vaughan	
Hen. Greene		Rich. Waldron	

Ordered, a proclamation be issued out that all persons in Military or Civil affairs within this Province continue in their places until further order as by the copy of Proclamation on file.

Capt. Shadrach Walton appearing before this Board ac-

cording to his summons was ordered to attend the Lt. Governor & Council at Portsm° Tuesday the 28 instant.

Wm. Ardell appearing according to his summons and presenting his humble petition as on file ;—Ordered, that he give bond to the Sheriff or his deputy for the use of his Maj'ty of one hundred pounds, with two sureties, viz. 50 pounds himself and 25 pounds each surety for his appearance at the next quarter Sessions in this Province, & in the meanwhile to be of good behavior towards his Maj'ty and all his leige people, and not to depart thence without leave, & to pay charge and fees, & to stand committed until he conform hereto in giving his security.

XL. Jno. Hust, Jacob Randle, both agreed to their summons and being well admonished & promising to demeane themselves civilly under the present government they were dismissed.

Ordered, that a messenger be forthwith sent to New York to congratulate the arrival of my Lord Bellamont.

Ordered, that Capt. Ichabod Plasteed be the person appointed for that service. Accordingly was dispatched with Letters & Instructions.

Ordered, Maj. Wm. Vaughan Treasurer, pay to the said Capt. Plasteed out of the public Treasury twenty pounds towards his charges in that journey.

Ordered, Mr Tho. Packer, Mr. Jos. Smyth & Capt Dow be summoned to appear before the Lt. Governor & Council at Portsm° the 25th inst.

Ordered, Maj. Wm. Vaughan Treasurer provide a convenient house for the Council and Assembly here at Portsmouth, as also for a person to attend, as also to provide wood for fireing.

Ordered, that an Assembly be called to set at Portsmouth for the Province of New Hampshire on Tuesday the 28th of this instant December at two of the clock in the afternoon, and that a Precept be issued out to the Sheriff to give

notice to the freeholders of the respective Towns for the choice of their several Representatives to set in the Assembly, meet accordingly.

[Prov. Rec. B. I. p. 227.]

Letter of Instructions.

Portsmouth, 17th 10ber, 1697.

Mr. Ichabod Plaisted.

Herewith we deliver you a letter for his Excellency the Earl of Bellomont, our Governor, now at New York, to whom you are to make all possible dispatch, unless at Boston you have such advice as that if you proceed you might probably miss of him.

When you arrive at New York take good advice according to letters herewith given you, how to demean yourself: If you find my lord high and reserved, not easy of access, you must manage your business by some of the gentlemen about him; If you find him to give you a favorable reception and free to discourse, you then may let him know how universally the news of his being our Governor did affect us with joy and satisfaction; you must also let him know that we daily expect Mr. Allen, whose commission for Governor here will be accounted valid until his Excellency's commission be here published; and query how we shall demean ourselves in such a case: in short, the principal end in sending you on this message is to pay our respects and duty to his lordship, and to prevent Mr. Usher or any other mal-content prepossessing him with any ill thing against us; so that if Mr. Usher or any such be there, you must observe their carriage and endeavor to learn how they are received and treated by my lord; and forthwith, by the first post after your arrival, to give us an account of your affairs.

We cannot limit you as to the time of your stay at New York; you must do therein as shall be advised you, and if my lord be almost ready to come away, you will do well to wait his motion and be one of his attendance at Boston; but if his Excellency move not quickly, then you may ask his Excellency's leave and dispatch home with all possible speed; but be sure in the mean time by all opportunities, let us hear from you how it fares with you.

For enabling you to bear the expenses of this journey, we herewith give you 20£, and have desired Mr. Geo. Jaffrey to procure

you credit for 20£ payable at New York, if you should happen there to have occasion. As to your expenses we advise to good husbandry; if you see occasion there you need not be over spare.

When you come to Boston, you are forthwith to look out Mr. Geo. Jatfrey, and to deliver him your letter to my lord, whom we have desired to take advice thereupon: Alter the same if there be occasion. So we wish you a good journey and remain your loving friends.

By H. P. S.
[Henry Penny, Sec.]

[Prov. Rec. B. I. p. 228.]
[Mr. Plaisted's Bill, exact copy.]

My one expences and one hoas; thirty days,	
att six shillings and six pence per day	9:15:0
To nineteen days expence att nue Yorke, at	
ten shillings per day	9:10:0
To nine days expence att seven shillens per day	3:03:0
Expence in hoas hier from Sabrook to York	
And back there again, Eartene shillens	0:18:0
Keepin the other hoas unteell my return	0:13:0
The hier of one hoas from deadom to Boston	0:06:0
The hier of one hoas from Salem home	0:12:0
The keepin of the other untell his return	0:18:0
To the post for the carein of one and	
Bring the other home, ten shillens	0:10:0
For shoin my hoas 3 times and mendin	
my saddle ones, eart shillens	0:08:0
	26:13:0

Portsmouth. At a Council held at Portsmouth 28 xber 1697.

Present.

Lt. Governor.

John Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.

Hen. Greene, Wm. Vaughan, Rich. Waldron } Esqs.

Mr. Thomas Packer of Portsm° and Mr. Jos. Smyth of

Hampton appeared before this Board according to their summons to answer to what should be objected against them on his Maj'tys behalf; & after some reprehensions for their miscarriage in granting warrants to raise men by virtue of a warrant from Mr Usher, The Lt. Governor & Council having given them admonition how to demean themselves for the future, and they acknowledging ye present Government were dismissed.

[XLI.] Council adjourned to morrow morning 10 of ye clock.

[Prov. Rec. p. 232. B. I.]

New Hampshire in New England, 3^d Jany 1697.

May it please your Lordships:

It is now about twelve months since my arrival from England into this Province with the King's commission for Lieut. Governor—thereof annulling and making void the power of Jno. Usher, Esq. late Governor of the same, which was forthwith signified to the inhabitants by Public Proclamation; but finding myself wanting of an oath, which all governors, &c. were obliged, by late Act of Parliament to take before entrance upon their Government; and, understanding a person was quickly coming over with Commission from his Majesty to administer said oath to the Governors of America, I deferred entering upon the Government for some time, and left in the hands of the President and Council as the Commission directs, in case of the absence of Governor and Lieut. Governor; but Mr. Usher, endeavoring to disturb us, and as I understand, having made complaints to your lordships against us;—to prevent the like for the future, I found it necessary to enter upon the Government; which I have now taken upon me according to the King's Commission, and hope no advantage will be taken against me for my so doing, having no design therein, but his Majesty's service and the peace and quiet of his subjects: Being also advised that the time for taking said oath is further extended to the 25th March next, and that Mr. Randolph is coming over with power from his Majesty to administer the same; and this remain at present, until his Majesty's pleasure shall be further known, by the arrival of my lord, the Earl of Bellmount,

whom we understand his Majesty has been graciously pleased to appoint Governor of this Province, to the universal satisfaction of us all: for which further, I humbly refer your lordships to the Council and Representatives of this Province convened in General Assembly;—who by this conveyance, have given your lordships an account of the present state of affairs here:—and remain

Right Honorable

Your Lordships most faithful and obedient servant.

Indorsed—"Copy of Lt. Gov.
Patridge's letter, to the Honble
the Lords of the Committee for
Trade and Foreign Plantations."

[Pr. Rec. p. 236, B. I.]

May it please your Lordships:

We, the Council and Representatives of his Majesty's Province of New Hampshire, in New England, convened in General Assembly, do account it a duty incumbent on us to give your Lordships an account of the present state of affairs in this Province.

1st, We cannot omit a grateful acknowledgment of his Majesty's favor in appointing Mr. Partridge, one of our own inhabitants, our Lieut. Governor, in place of Mr. Usher; and though upon Mr. Partridges arrival with the King's Commission, public proclamation was made throughout the Province to signify to the inhabitants that Mr. Usher's power for the future was made null and void; yet Mr. Partridge for some reasons deferring the present taking upon him the Government, but leaving it in the hands of the President and Council, Mr. Usher began to give us some disturbance; and as we understand, has complained to your lordships of our being without a government and in a lamentable condition, &c.; whereas the Province never was in a more quiet, peaceable condition; nor has there been any disturbance in it since Mr. Partridge's arrival; but only what Mr. Usher has endeavored to give us. As to those three gentlemen of the Council, viz. Messrs Hincks, Vaughan and Waldron, whom we understand Mr. Usher has represented as ill men, we must assure your Lordships, they have approved themselves true and faithful to his Majesty's interest, well affected to his government, and are abundantly qualified beyond most of the inhabitants of this Province, for his

Majesty's service: It only remains, that we let your Lordships know that Mr. Partridge has now as Lt. Governor, by your advices taken the Government upon him, according to the King's Commission, to prevent any future pretence or disturbance, and to the general satisfaction of his Majesty's good subjects here, who are now awaiting his Majesty's further pleasure, by my lord, the Earl of Bellamount, whom we understand his Majesty has been graciously pleased to make our Governor:—Nothing than which could have been more agreeable to our own desires, and under whose influence we resolve to distinguish ourselves by a fervent zeal for his Majesty's service and interest, and a ready expose of our lives and fortunes to promote and defend the same: Being his Majestys dutiful and loyal subjects: &

Right Honor^ble^

Your Lordships most humble & obedient Serv^ts^

By order of Council.

Dated 3^d^ Feb. 1697.

Pr order and in behalf of the Representatives,

HEN: PENNY, Sec^y^.

HEN: DOW, Speaker.

To the Right Honorable
The Lords of the Committee for
Trade and Foreign Plantations,
Humbly presented,
In Whitehall.

Province of N. Hamp.

At a Council held by several adjournments this eighth March 1697-8, at Portsmouth.

Present.

Lt. Governor } Wm. Vaughan }
Peter Coffin } Rich. Waldron }

For want of a full Council adjourned to morrow morning 10 of the clock.

At a Council by adjournment to this present 9th March.

Present.

Lt. Governor.

Jno. Hinks Esq. President.

Peter Coffin } Esqs. Rob. Elliott } Esqs.

Wm Vaughan } Esqs. Rich. Waldron } Esqs.

Whereas complaint has been made by Majr Mack that there are two Sergeants and a Corporal that served in this Province as soldiers under Capt. Negros are yet unpaid 5lb 5s, ordered that the Treasurer pay the same, viz. to Sergeant Smyth 2, 2, 0. To Corporal Blackman, 1, 1, 0, and to Major Mack for Sergeant Pray, 2, 2, 0.

Ordered, that the Treasurer pay Mr Duncan Camball ten pounds for so much money he paid Capt. Ichabod Plasted towards his charges on his journey at New York for the account of the Province.

Ordered, that the Treasurer pay to Jno. Abbott of Portsmouth five pounds for his Pilot Ship under Major March in his expedition to the eastward against ye Indians.

Upon a Petition to this Board from the Selectmen of Hampton about Jno. Mogoon and a petition from Jno. Mogoon's as both on file,

[XLII.] Ordered, that the Sec. send copies of the petitions to the Selectmen of Exeter ytt they appear at Council Board the 5th April next, as also the Selectmen of Hampton, & Jno. Mogoon to appear at the time aforesaid at Portsmouth.

Sarah Roby of Hampton by petition to this Board praying by means of her poverty her excise might be remitted. Ordered, she pay no excise for one year.

Adjourned to morrow morning 10 a clock.

At a Council by adjournment 10 March 1697.

Capt. Ichabod Plasted accot. brought to this Board, who were present ut supra. The accot. on file and adjusted the ballance 16lb 13s 2d. Approved of and allowed and to be paid out of the Treasury.*

Ordered, that the Secretary notify to the Selectmen of every town that they attend on the Lt. Governor & Council at Portsmouth 5th April next, and bring an account of their Towne bounds.

The Lt. Governor having dissolved the Assembly—ordered by advice of the Council that a new Assembly be called to meet at Portsmouth the 5th April next and that a precept be given by the Secretary to the Sheriff accordingly, 11th March 1697-8.

Province of New Hampshire, 1698.

At a Council held at Portsmouth,
Thursday 5th April.

Present.

Lt. Governor.

Jno. Hinks Esq. President.

Nath. Fryer, Peter Coffin, Rob. Elliott } Esqs.

Wm. Vaughan, Rich. Waldron } Esqs.

And adjourned to morrow morning 10 a clock.

Council by adjournment present ut supra.
6th April.

The Selectmen for the several towns in this Province who were summoned to attend this Board to bring in an account of the limits of their town bounds, appeared by themselves or Attorney, and accordingly brought them all in and were all read distinct.

*See preceding account.

The Selectmen of Hampton and Exeter appeared to this Board by virtue of a summons about the Petition of Jno. [XLII.] Magoon. Several evidences brought in, as on file, and being duly heard by the Council, adjourned to morrow 10 a clock morning.

At a Council by adjournment to this 7th April.
Present ut Supra.

Jno. Dams petition for some relief to his Garrison; answered that for want of money in ye Treasury they can not be at any farther charge until the Assembly raise it.

The case of Jno. Magoon is for present respited until the next Council day which is to be the first Tuesday in May next; & that then Peter Coffin Esq. be there, and bring with him the Will of Jno. Magoons father, and any other papers relating to said Magoons' land or estate out of the Town records.

Ordered, that the assessors & ye Selectmen of the town of Exeter have notice that they attend the Council at Portsmoth ye first Tuesday in May next, to answer what shall be there objected against them on the behalf of Peter Coffin Esq.

Upon petition of Margaret Langmaid, desired by the Council that Rob. Elliott Esq. advance forty shillings in money due to the said Langmaid in part of her sons wages, due for his service at the Kings Fort at New Castle, & to be repaid him out of the first money raised to that end.

Ordered, by the Lt. Governor, Council & General Assembly, that a day of Public Fast and Humiliation be kept throughout this Province, Thursday 21st this instant April. Adjourned to morrow 10 of the clock.

At a Council by adjournment 8th April 1698.

Present ut supra, except Mr. Fryer.

Whereas Rich. Waldron Esq. hath made it evident to this Board that he hath exported thirty hhd. of rum out of [XLIV.] this Province, which was imported here in the Richd and Margaret, Sam. Allcock master, & yt it was exported within the time limited by Law,

Order that notice be given to the officer that he do repay back the 2-3 of the duty of sd rum, according to law unto Rich. Waldron Esq.

Province of New Hampshire.

At a Council held at Portsmouth, 3rd May, 1698.

Present.

Lt. Governor Partridge.

John Hinks Esq. President.

Nath. Fryer Rob. Elliott Hen. Greene	Esqs.	Wm. Vaughan Rich. Waldron	Esqs.

Ordered, Treasurer Vaughan Esq. pay to Rob. Elliott Esq. fifty six shill. or so much for interest due to him for money lent the Province.

Ordered, to pay Capt. Jacob Plasted the ball. of his account 16, 13, 0.

Ordered, to send notice to Peter Coffin Esq. to be at Council ye 2 Tuesday in June next, & bring with him those papers relating to Jno. Mogoon as by a former order of Council.

Mr. Andrew Wiggins, his petition about his land bounds, was read; and answered when the other town bounds are settled his will also be considered.

Major Wm. Vaughan Esq. Treasurer (as was ordered)

brought in his accounts. The Lt. Governor and Council perused & allowed the same and ballance due to him £25, 13, 1, as P. acct. on file.

13 June, 1698.

☞ So far, from the beginning of Lt. Governor Partridge taking upon him ye Government, are the minutes of Council sent for England by Capt. Jno. Lang.

XLV. Province New Hamp.

At a Council held at Portsmouth
7th June, 1698.
Present
Lt. Governor Partridge.

Peter Coffin,	Wm. Vaughan,
Henry Greene,	Rich. Waldron.

My Lord Bellimonts letter to the Lt. Governor and Council, was read and communicated to the Council.

Ordered, that notice be given to the Selectmen of Portsmouth that John Reed, a disabled soldier be taken care of by them for his subsistance, and that Major Vaughan sa soon as money is in the Treasury, shall have order to pay them his wages due.

Ordered that another soldier be sent by Maj. Vaughan to Heards Garrison from whence said Jno. Reed came to supply that vacancy.

Province New Hampshire.

At a Council held at Portsmouth
14th June, 1698.
Present.
Lt. Governor.

Jno. Hinks,	Esqs.	Rich. Waldron,
Nath. Fryer,		Peter Coffin,
Wm. Vaughan,		Hen. Greene,

Jno. Watsons petition being read as on file—Ordered, that the Treasurer be desired to take security for him for the payment of what is due to the Province from him, in one months time; and when security is given, to order him out of prison, he paying the charge.

Allowed Hannah Permitt of New Castle three pounds six shillings by her account on file for liquors ordered to be given to the two companys of soldiers.

Allowed James Robinson of New Castle, Cooper, by his acct. on file 16s, 6d.

It appearing to this Board in the business of Jno. Mogoon (long depending) by papers and otherwise that he ought to [XLVI.] remain at Exiter, Ordered, that the town of Exiter do receive the said Jno. Mogoon into their town as an inhabitant, and that the Town of Hampton pay the fees due to the Secretary in all that affair and for other charge each town to bear their own.

Allowed Rowland Jenkings departure as a soldier at Heards Garrison at Dover from the 15th June 1697 to the 4th October following, as by account on file; and to be paid 4lb. 8s.

Secretary Penny's his acct. being brought in amounting to twenty pounds nineteen shillings, as on file, said acct. being examined and found due to him 20, 19, 0, to this 2d day of June 1698, was then by Lt. Governor & Council allowed of.

New Hampshire.

At a Council held at New Castle 27th June 1698.

Present.

Lt. Governor.

John Hinks Esq.

Nath. Fryer, } Esqs.
Rob. Elliott, }

Wm. Vaughan, } Esqs.
Rich. Waldron, }

Whereas Mr. Samp^{n} Sheife, appears this day with a deputation from Jahaeel Brinton* Esq. Coll. &c. within this Province the Council are of opinion that the said deputation be allowed and the said Sheife be countenanced & assisted in the execution of his office, accordingly, and whereas the said Sheife hath proposed to the Lt. Governor that all vessels having his clearing may be permitted to pass the Fort, and that the Naval officers appointed by Jno. Usher, Esq. late Lt. Governor of this Province may give security three thousand pounds according to a late act of Parliament, entitled, "An Act for preventing frauds and regulating abuses in Plantation Trade;" that notwithstanding said Brinton has been arrived in N. England more than six months, and has never yet visited this place, nor let the [XLVII.] Government know what powers he has relating to the affairs of this Province; yet if he, the said Brinton or Mr. Sheife be appointed by the Commissioners of the Customs in England to take such security according to the afores^{d} Act, they be desired now to show it in order to a ready obedience thereto, that his Maj'tys service may not be interrupted, nor his subjects burthened with unnecessary affairs.

The above being the opinion of ye Council I see no cause but to acquiese therein.

WM. PARTRIDGE, Lt. Gov.

Ordered, Major Wm. Vaughan Treasurer pay Rob. Elliott forty shill. out of the 400 lbs. rate, as so much disbursement by him towards Widow Langmaids son's wages for part of his service as a soldier at the Fort. Allowed in Council 7th April 1698.

* See MS. copy of Commission in Sec'ry's office.

At a Council held at New Castle
25 August, 1698.

Present.

Lt. Governor.

Jno. Hinks Rob. Elliott Nath. Fryer	Esqs.	Peter Coffin Wm. Vaughan Rich. Waldron	Esqs.

Hannah Permitt brought in her acct. of disbursement by order of Council, and was allowed three pounds to be paid out of the Public Treasury.

[Governor SAMUEL ALLEN assumed the Administration of Government in the Province of New Hampshire, on the 15th of September, 1698. See his Commission, bearing date March 1st, 1692, on pp. 57-69. — ED.]

Province of New Hampshire.

At a Council held at New Castle, Thursday
15th 7ber, 1698.

Present.

Lt. Governor Partridge, Esq.

Jno. Hinks, Nath. Fryer, Peter Coffin,	Esqs.	Rob. Elliott, Hen. Greene, Nath. Waer,	Esqs.

Wm. Vaughan, Esq.

After some debate in Council, ordered the Secretary from this Board signify to Gov. Allen [XLVIII.] that the Council is now setting & pray his company, and he came accordingly; and after a friendly discourse he told them he would take upon him the Government and that the oaths appointed by Act of Parliament instead of the oaths of allegiance, &c. might be administered, which was accordingly done in Council as also the Test signed by the Governor as on file. Then the Commission, Instructions and Seal were delivered by Lieut. Gov. Partridge.

Ordered, a Proclamation by the Governor be issued out to the several Towns in this Province to publish that all officers within this Province both Civil & Military be continued in their offices till further order.

Ordered, that notice be given to the Selectmen of every Town in this Province that all persons who have any claims due from the Province that they bring them in to the Committee appointed, who are Peter Coffin, Nath. Waer, Rich. Waldron, Esqs. at ye house of Jno. Pickering Junr at Portsmouth, the first Tuesday in October next 10 of the clock forenoon.

Province New Hamp.

By the Honorable the Governor,

A PROCLAMATION.

Forasmuch as the Honorable SAMUEL ALLEN, Governor of this Province, by virtue of their Maj'tys Commission under the great Seal of England bearing date the first day of March in the fourth year of their reign, hath taken upon him the Governm^t^ accordingly, [XLIX.] These are therefore to give public notice to all His Maj'tys good subjects within this Province and to all persons in any public Station or office Civil or Military that they hold & execute their respective offices as they have hitherto done until further order:—And that the Captains of the respective towns within this Province publish this Proclamation by beat of drum, and then affix it to some usual public place, that no person may pretend ignorance herein.

Dated at New Castle 15th September 1698, in the 10th year of his Maj'tys reign.

By order of the Honorable the Governor.

HEN. PENNY, Sect.

Then the Governors Commission was proclaimed at the Fort, also Lieut. Governors Commission.

Province of New Hampshire.

THE MINUTES *of the proceedings of the Council since the Honorable Saml. Allen Esq. published his Majestys Commission for, & entered upon the Government.*

At the first Council held at New Castle
Lunæ Die,* Novembris 28, Anno 1698.
Present.

The Right Honorable Saml. Allen Esq. Governor.

Nath. Fryer, Peter Coffin } Esqs. Rob. Elliott, Nathaniel Waer } Esqs.

A Commission† from the Hon. Saml Allen Esq. Governor unto Sampson Sheafe for the offices of Secretary, Register, Clerk of the peace and of the Inferior Court of Common Pleas was read and approved of by the Council.

[L.] The said Sampson Sheafe took the oaths required by Act of Parliment, repeated and subscribed the declaration, and took the oath of being faithful in said offices.

Adjourned till tomorrow morning at ten o clock.

Province of New Hampshire.

At a Council held by adjournment at New Castle,
Martis die‡ Novembris 29, 1698. Mat. Temp.
Present.

The Right Honble Saml. Allen Esq. Governor.

Rob. Elliott, Peter Coffin, } Esqs. Nathaniel Waer, Esq.

Joseph Smith, Esq§ admitted and sworn one of the Council. The Hon. Saml. Allen Esq. informed the Council that John Usher Esq. had matters of importance to communicate for his Maj'tys service.

* Monday.
† See Commission in Sec'ry's office.
‡ Tuesday.
§ Joseph Smith, Esq., was of Hampton.

Ordered, that the Secretary do acquaint John Usher, Esq. that this Board desires if he hath any letters or papers for his Maj'tys service that he would deliver them to him to communicate to the Council. The Secretary delivered the message accordingly, and brought answer that if it were desired he would come unto them.

Ordered, that the Secretary do go again to John Usher, Esq. and acquaint him that the Council desired if he pleased that he would send his papers;—if not that he could come himself and bring them.

The Secretary acquainted John Usher therewith. John Usher presently appeared at this Board and produced a letter from the Lords of the Plantation, dated the 3rd of August 1697, which said letter was read—being read Mr. [LI.] Usher said he was by his Maj'tys instructions one of his Majestys Council for this Province and accordingly claimed his privilege to sit at this Board, also asserted that he was Lt. Governor until the arrival of my Lord Bellomont or until such times as William Partridge, Esq. did qualify himself; and further declared that there were several persons by him suspended, the reason of whose suspension he had sent to Whitehall, and therefore unless his Majesty restored them, they could not sit in Council.

Rob. Elliott Esq. affirmed that Mr. Waldron and Maj. Vaughan did sign Association; therefore no cause for their suspension; and that William Partridge Esq. was Lieut. Governor and had qualified himself; and that if Mr Usher was Lieut. Governor, and these persons sat in Council, and that Maj. Vaughan and Mr. Waldron were not admitted they would not sit.

John Usher, Esq. replied—"Is there then an agreement made among you?" Rob. Elliott Esq. replied—yes, one and all; we are all of that mind.

The Hon. Samuel Allen Esq. Governor (it having first been debated) declared that John Usher Esq. was one of the Council and that he could not refuse him his privilege.

Whereupon Robert Elliott Esq. withdrew.

The Council is adjourned till Tuesday the thirteenth day of December at 10 a clock in the morning.

Province of New Hampshire.
New Castle.

At a Council held by adjournment at New Castle.
Martis die Decembris 13, 1698.

Present.

LII.

The Right Hon. Saml Allen Esq. Gov.

Nath. Fryer, Peter Coffin, Robert Elliott } Esqs.

Joseph Smith, Kinsley Hall } Esqs.

Capt Kinsley Hall,* Esq. having been summoned as one of the Council admitted by Lieut. Gov. Usher, was again admitted one of the members of his Maj'tys Council in this Province and took the Oaths appointed to be taken instead of the oaths of Supremacy and allegiance, and repeated and subscribed the Declaration.

Robert Elliott Esq. refused to sit at this Board as a member of the Council. If these gentlemen who were appointed & admitted by Lieut. Governor Usher were continued to be of the Council, and if John Usher, Esq. were Lieut Governor here, and the minutes hereof being read unto him, he said it was right noted [?] and withdrew.

Ordered, that whereas through the non-appearance of the Judges on the 7th day of this instant December the Inferior Court of Common Pleas fell, there should be a special Court on Tuesday the third day of Jany ye next for the hearing & determining the causes should have been tried at said Inferior Court.

Removal of Henry Green, Esq., from the office of Judge.

[It appears by Records of the Court of Common Pleas, Wednesday, 7th December, 1698, that the Hon. Henry Green, Justice, failed

* Capt. Kinsley Hall was of Exeter.

to be present at the Court: whereupon Gov. Samuel Allen on the 23d of sd month, formally removed him from the office of Judge.]

"Whereas &c. the sd Henry Green, Esq. without making any excuse or giving any notice, not regarding yor oath as Judge of sd Court, did refuse, neglect, omit to be p'sent at the accustomed place of sd Court, being holden at Portsmouth, to the great damage of or Soveraign Lord the King, & diverse of his good subjects, by reason whereof no Court was or could be held on sd seventh day of Decembr, and whereas, by reason of yr age & impotency, you are very unable & insufficient to execute the sd place: Wee do therefore, hereby discharge and remove you from the office of Judge of our Inferior Court of Common Pleas, as also from being one of our Justices of Peace in or sd Province; hereby injoyning you that you do not henceforth exercise or execute the sd places of Judge of or Inferior Court of Common Pleas or Justice of Peace within or sd Province, unless you should receive Power from us.

Witness

Samuel Allen, Esq. or Governr of our said Province of New Hampshire.

Given under or hand and seale of Province, at New Castle, the twenty-third of Decembr in the tenth year of or Reign, Annoque Domi. 1698.

SAMUEL ALLEN.

[On the 15th of January, following, Richard Jose, Esq. was removed from the office of high sheriffe.]

"Whereas you, Richard Jose, Esq. late high sheriffe of or Province, by reason of yr sickness, impotency, & weakness of body, be thought very unfitt, unable and insufficient to performe & execute the duty of said office and place of high sheriff; I do therefore, hereby discharge and remove you from the sd office of or high sheriff,—strictly charging and commanding you, that you no more exercise or execute sd office of or high sheriff; but that you do deliver unto William Ardell, Esq. whom I have commissioned, constituted & appointed to be or present high sheriff, all writts, recognizances, & papers that are in yr hands, relating to the sd office; and that you do account with Wm. Ardell aforesd, our said high sheriff, for all monies, goods and profitts whatsoever belonging unto us, which hath been levied or ought or might have been levied for his Majests service. Given under my hand and seale of Province, the 15th day of Jany, Anno Regis William tertii & decimo, Annoq Dom." 1698-9.* SAMUEL ALLEN.

Ordered, that there be a public day of Thanksgiving observed throughout this Province on Thursday the twelfth day of January next, for that God hath been pleased graciously to preserve His Maj'ty; for the safe arrival of Saml. Allen, Esq. Governor; the continuance of our Gospel liberties,

* The two foregoing articles found in "Copy of Commissions" in Sec'ry's office.—ED.

sending us a plentiful harvest, and restraining the heathen enemies; and that the Secretary [LIII.] do draw up a Proclamation accordingly into form and send it to the several Ministers in this Province.

[From MS. copy in Secretary's office.]

A PROCLAMATION FOR THANKSGIVING.

Province of New Hampshire.

New Castle, Dec. 13, 1698.

Being deeply sensible of the Expressions of divine goodness & mercie towards us, evidently appearing in the signal Preserving o^r Soveraign Lord the King's Maj^tie, carrying him thro' the many difficulties and hazards of a tedious & bloody Warr, and from many hellish plots & Conspiracies, and making him at length the happie Instrument of establishing a gen^ll Peace thro'out all Europe; in gratiously preserving the Honble Samuel Allen, Esq. our Govern^r, & bringing him to us in safety, thro' the midst of maine dangers and difficulties; in the continuance of o^r precious gospel Liberties; in the plentiful Harvest vouchsafed us the Summer past, after so great scarcity, which for some time p'vailed in the midst of us; and in so long restraining the Heathen Enemie from making their barbarous incoursions upon us:—

We do therefore appoint Thursday the twelfth day of Jany next ensuing, to be celebrated thro'out this Province, as a day of Publick Thanksgiving unto Almighty God, forbidding all servile labour on y^t day; And do recommend it to the several Ministers & Assemblies, therein to be kept with all solemnity, and attended with a right ordered conversation, so as that God may be glorified by us, & we may have farther hopes of seeing his salvation.

By order of the Hon'ble the Governor & Council.

SAMPSON SHEAFE, Secretary.

Ordered, that Maj. William Vaughan do deliver all the books, Court Rolls, Writings, escripts, minutes and records whatsoever delivered unto him the thirteenth day of June 1696, and all Records, Books, Court Rolls, Writings and Minutes since, which may be, ought, or should be in his hands, unto Sampson Sheafe, Secretary, and Register of this Province, the said Sheafe giving him his receipt for the same.

Ordered, what soldiers are at Capt. Rich. Gerrish's Garrison be dismissed & discharged, and that Capt. John Tuttle have notice hereof.

Adjourned till tomorrow morning at eight o'clock.

At a Council held by adjournment at New Castle.

Province of New Hampshire.

Mercurii die,* Decembris 14, 1698.

Present.

The Honorable Saml. Allen Esq. Governor.

Nathaniel Fryer } Esqs. Peter Coffin

Joseph Smith } Esqs. Kingsley Hall

Ordered, that there be Writs issued out to elect Assembly men to serve at a General Court or Assembly to convene at the accustomed place at New Castle, on Thursday the fifth day of January next.

Order for the election of Representatives to the General Assembly.

[From MS. copy in Secretary's office.]

WILLIAM the Third, by the Grace of God,—King, &c. To our Sheriff or Marshall of o^r Province of New Hampshire, &c., Greeting:

We command, that upon receipt hereof, you forthwith make out yor precepts directed unto the Selectmen of each respective Towne within our Province of New Hampshi^e requiring them to cause the Freehold^rs and other Inhabitants of their several Towns, duly qualified, to assemble at such time & place as they shall appoint, to elect and depute, one or more p'rsons, (being freeholders and residents in the same towne) according to the nomber set and limited by the Act of the General Assembly of o^r afores^d Province, to serve for and represent them respectively, in a great and General Court or Assembly by us appointed to be convened, held and kept for our service at the accustomed place in New Castle, upon Thursday, the fifth day of January next ensuing the date of these p'sents, and to cause the p'son or p'sons so elected & depu-

* The days of the week, as named by the Latins, were as follows:

Dies Solis	Day of the Sun, or Sunday,	
" Lunæ	" of the Moon or Monday,	
" Martis	" of Mars—Tuesday,	
" Mercurii	" of Mercury—Wednesday,	
" Jovis	" of Jupiter—Thursday,	
" Veneris	" of Venus—Friday,	
" Saturni	" of Saturn—Saturday,	

In these Records, Saturday is sometimes called "Sabbati," denoting the day of the *Jewish* Sabbath.—See *Rom. Antiq.* p. 320. Ed. 1819; also *Web. Dic.* — ED.

ted by the Major part of the Electors p'sent at such election, to be timely notified & summoned by ye Constable or Constables of such Town, to attend o^r service in the s^d General Assembly, on the day above prefixed, by nine in the morning, and so de die in diem, during their session and sessions, & to return the s^d precepts with the names of the p'son, or p'sons so elected & deputed, unto yor self: Whereof you are to make return together with this Writt, and of yor doings therein, und^r yor hand unto o^r Secretarie's office at New Castle, one day at the least, before the s^d Courts sitting. Hereof you may not fail at y^r perill. Witness, Samuel Allen, Esq. Govern^r & Command^r in Chief in and over o^r Province of New Hampshire, afores^d. Givin at New Castle und^r the Publick Seal of o^r s^d Province, the 18th day of Decembr in the tenth year of o^r Reign, Annoq: Dom. 1698.

By Command, SAMPSON SHEAFE, Sec^y.

LIV.

Ordered, that it is the opinion of this Board that Capt. John Hinks ought to account with the Hon. Samuel Allen Esq. Governor of this Province for the Kings Stores and for the powder money that he hath rec'd and that he pay the ballance of said acct. unto the said Governor or his order, and that the Secretary give him notice thereof.

Adjourned to Thursday the fifth day of January next, at nine o'clock in the morning.

Prov. of New Hampshire.

At a Council held die Lunæ, & Jany secundo, 1698.

Present.

The Hon. Samuel Allen Esq. Governor.

John Usher, Nathaniel Fryer } Esqs. Peter Coffin, Kingsley Hall } Esqs.

Ordered, that whereas at a Council held on Tuesday the thirteenth day of December last past, there was an order of Council that a special Court of Common Pleas should be held on Tuesday the third day of Jany next at the accus-

tomed place at the town of Portsmouth, where any libels or informations on behalf of the King which should have been exhibited and any writs which should have been proceeded [LV.] on at an Inferior Court of Common Pleas, which by Act of Assembly should have been holden at Portsmouth on Wednesday the 17th day of December last past, but said Court falling, *defectu Judicum*, might and should be tried at said special court; and this day James Mounteas merchant, claiming interest in a ship and her cargo of productions of Europe as wines &c. which are under seizure by the offices of his Majestys Customs, (for breach of acts of Trade and Navigation) on behalf of his Majesty, the Honble the Governor and himself as informer; and the said Mounteas petitioning and setting forth to us that he humbly conceived that timely notice was not given, by reason whereof he prays that he may not be obliged to trial at said Special Court, but that there may be an order for the delivery of the Ship and the goods which may be perishable, upon his giving security to stand and abide a trial at the next Court of Records which shall be held in this Province:—

It is therefore ordered (that on consideration of s^d Petition and also on consideration of a General Court or Assembly called and appointed to be convened on Thursday next the fifth day of this instant Jan'y.) that said Petition is granted—The said Mounteas giving sufficient security upon appraisment according to the form of the Acts of Trade & Navigation; and the said Special Court is hereby repealed, made null and void, and hereof all Justices, Jurors, and persons concerned are to take notice, that none of his Maj'tys subjects may be prejudiced thereby.

Prov. of New Hamp.

At a Council and the first General Court or Assembly convened at New Castle after the arrival of the Honorable Samuel Allen, Esq. Govr of this Province.

[LVI.] Jovis die, January Quinto—1698-9.

Present.

The Right Honorable Samuel Allen Esq.
Governor.

John Usher,	Esqs.	Nathaniel Wear,	Esqs.
Nathaniel Fryer,		Joseph Smith,	
Peter Coffin,			

Ordered, that the Secretary make out a Writ of Dedimus Potestatem to impower Capt. Nathaniel Fryer and Maj. Joseph Smith, Esqs. to administer the oaths mentioned in a Statute made in the first year of the reign of our Sovereign Lord and Lady King William and Queen Mary entitled "An Act for the abrogating the oaths of supremacy and allegiance," and appointed other oaths to the several Representatives elected to serve in a General Assembly convened this day. The Writ of Dedimus potestatem was accordingly drawn and signed by the Governor.

Nathaniel Fryer and Joseph Smith accordingly did administer the oaths appointed by Act of Parliment in the first year of King William and Queen Mary, and heard the Declaration repeated and see it subscribed by each Representative.

Ordered, that the Secretary acquaint the House of Representatives that the Governor desires them to choose their Speaker and to present him. The House of Representatives made choice of Capt. John Pickering Sen. to be their Speaker and presented him. The Governor accepted of their choice of a Speaker and made the following speech to them.

Gentlemen—

On my arrival the 23^d of August into this his Maj'tys Govern-

ment, finding not my Lord Bellomont arrived here, nor that he [LVII.] was expected this winter, I found it needful by virtue of my commission to enter upon the Government.

Being acquainted that the Acts for the Customs, the Impost, the Excise, and duties of Powder money are expired since the fifth of November last past, its convenient those acts be renewed in order to raise money for defraying the charges of his Maj'tys Government.

I do likewise recommend to your consideration the sending some messages to his Excellency to congratulate his safe arrival and to invite his Excelleney unto this His Maj'tys Government, being the manner and customs of other Governments, so to do and make provision for the charge of said messengers and for my Lord's reception. As to other matters requisite and needful for his Majestys service and for the peace and tranquility of the Province, I recommend unto you and that you will consider the season of the year, and with all convenient speed and determine all matters needful.

Adjourned till tomorrow ten a clock.

Province of New Hampshire.

Veneris die, January Sexto—1698–9.

Present.

John Usher,	Esqs.	Joseph Smith,	Esqs.
Nathaniel Fryer,		Kinsley Hall,	
Nathaniel Wear,		Peter Coffin.	

Voted, that there be an Act made for the Revising & Continuation of the Acts for the Customs, Impost, Excise and Powder money, and that this vote be sent down to the House of Representatives. The s^d vote was accordingly sent down.

It is moved by Peter Coffin and [LVIII.] Nathaniel Wear Esq. whether John Usher Esq. be one of the Council, and they desire it may be debated whether William Partridge, Esqs. his commission for Lieut. Governor, doth not debar John Usher, Esq. from being one of the Council as well as Lieut. Governor.

John Usher, Esq. proposes to this Honorable Board that by virtue of the Kings instructions he was appointed one of his Council here, and the first therein named, and that he was no ways suspended or dismissed from the place of a Counsellor, and therefore for his Maj'tys service he demanded his privilege of sitting here.

It is Resolved that John Usher Esq. is one of the Council. Peter Coffin and Nathaniel Wear, Esqs. desired their dissent may be entered, and that they may be dismissed from sitting at this Board.

The Governor forbid Nathaniel Wear Esq. offering to withdraw, to depart without leave upon his peril. Nathaniel Wear Esq. replied that if he should sit here that he should look upon it that he should act contrary to the Kings commission, and he would not do anything in contempt thereof.

New Hampshire.

The House of Representatives sent up the following papers.

Voted, that an answer to the Speech from the Honorable Samuel Allen Esq. Governor of his Majestys Province be sent up as followeth, viz.

May it please your Honor —

We the Representatives of his Maj'tys Province aforesaid convened in General Assembly, having read and considered your Honors' speech, do make answer thereto as followeth:

That the Act of Custom & Excise, we think it convenient to continue it until the fifth day of November, one thousand six hundred ninety nine. That as to congratulating his Lordships [LIX] arrival and inviting his Excellency to this Government, We are of opinion it is quite out of season for that it was formerly done by the Lieut. Governor & Council, and a kind answer thereto received from his Lordship, which was communicated to the Assembly to their very good satisfaction.

And for other matters since we are well assured his Excellency the Earl of Bellomont will in a little time be with us, We think it best to leave them till that time for that the collecting and paying of the last Province Rate made by act of General Assembly hath been forbidden and interrupted, whereby some soldiers that hath served his Maj'ty in Garrison for defence of the Province, others that have subsisted said soldiers, and many that have disbursed for the Public, are still out of their pay to their great damage; as also in displacing sundry fit and worthy persons from office and putting others not so qualified in their places; and specially in admitting John Usher Esq. to be one of the Council, notwithstanding all powers relating to said Usher hath been made null and void by the Kings commission to Lieut. Governor Partridge, under the great Seal, and the same more than once published within this Province.

These, with some other considerations hath given occasion to sundry members of the late Assembly to join with some members of this Council in addressing his Lordship, the Earl of Bellomont for relief, which address this House is of opinion was very seasonably and proper, and unless your Honor see cause in some measure to redress these grievances and carry on with a more moderate conduct, will give occasion to this House to make a second application to his Lordship. Passed by the Assembly.

THEODORE ATKINSON, Clerk.

The Council adjourned till tomorrow morning nine a [LX.] clock.

Province of New Hampshire.

At a Council and General Assembly held by adjournment, Sabbati die* January Septimo 1698.

* Saturday.

Present.

The Honorable Samuel Allen Esq. Governor.

John Usher } Esqs. Natt. Fryer }

Joseph Smith } Esqs. Kinsley Hall }

Sampson Sheafe, Secretary, admitted a member of the Council, took the oaths appointed, repeated and subscribed the declaration.

The House of Representatives send up a bill that the income of the Impost, Excise and powder money be continued until the fifth day of November next; and kept for the reception of the Earl of Bellomont, the powder money for the use of the Kings Fort.

Ordered, that it be passed into an Act.

Ordered, that Major Joseph Smith and the Secretary do join with gentlemen chosen by the House of Representatives to draw up the said Act into form.

Province of New Hampshire.
January 17th 1698-9.

Major Smith & Secretary, & gentlemen chosen by Representatives drew up said Act and presented it and passed, as a title — An Act for continuing unto his Majesty the several duties of Custom, Excise, [LXI.] Impost, powder money or Tonnage of Shipping.

Whereas the late Act of General Assembly of this Province dated the fifth day of October, Anno Domi. 1697, Entitled an Act for continuing of the Act for Impost and Excise, expired the fifth day of November last past, We therefore, his Majestys loyal and dutiful Subjects the Representatives of this his Maj'tys Province of New Hampshire, taking into consideration the necessity of granting a supply of money, do hereby grant unto his most Excellent Maj'ty to the intents and ends hereafter mentioned, the several duties and impositions upon all wines, liquors, goods, wares, merchandise that shall be imported into this Province, Excise and Tonnage of shipping heretofore granted, and

from thence continued by several Acts until the fifth of November last past, and pray that it may be enacted.

And be it accordingly enacted by the Honorable Samuel Allen, Esq. Governor, Council and Representatives in General Court Assembly, and it is enacted and ordered by the Authority of the same that from and after the seventh day of January 1698, until the fifth day of November next ensuing, the several Rates and Duties set upon all Wines, Liquors, and merchandise that shall be imported into this Province, and all duties of Tonnage in and by the said former acts of Impost, Excise, Customs and Tonnage money be and hereby are continued to be paid in ; and by the said Act as it is directed: That is to say, the duties of Impost, Custom and Excise to be employed for the reception of the Earl of Bellomont, and the Tonnage money for the supply of his Majestys Fort William and Mary at Newcastle.

JOHN PICKERING, Speaker.
LXII. SAMPSON SHEAFE, Sec'ty.

The petition of Nathaniel Pitman in behalf of his wife Deliverance, complaining that one Joseph Smith & one Jeremiah Burnam has violently and contrary to law seized upon the Petitioners Cows and other estates, was read.

Resolved, that he must have his remedy and redress by law.

The Petition of Richard Maundy for remitting of fifteen pounds he paid for powder money of a Ship loaden with Naval Stores—read.

Resolved that the consideration of said Petition be referred to next Council day.

The Honorable Samuel Allen Esq. Governor made the following speech to the House of Representatives, viz.

As for your opinion that to congratulate his Lordships' arrival & inviting his Excellency into this Government is quite out of season ;—I did Judge that you Representatives

of his Government would not have thought any time too late to have paid your respects and do your duty in congratulating, inviting and making due provision for his Excellency's reception.

As for my putting a stop unto the gathering of the last Rates, it was upon complaint from several Towns, of moneys raised & misapplied, orders were issued to forbear gathering until the accounts might be examined and farther order; finding the late Treasurer hath absented himself and is gone out of the Province I shall order the monies to be gathered and paid into the Treasury. [LXIII.] As for your grief at my displacing sundry persons and putting in others, I have put in none but what are true and loyal persons, and laid aside none but the contrary:—Those who are put in are such as by virtue of the King's Commission were legally invested with power before my arrival.

As to Mr Ushers being admitted one of the Council, he claims it as his privilege by virtue of the Kings Commission and instructions together with orders from Whitehall, dated the third day of August 1697, which have been read unto you.

As to Mr. Partridge Commission being read, that doth not qualify him, but when Mr. Partridge is qualified his Commission ought to take place, & until then or until my Lord Bellomont arrives, I judge I am to obey the orders from Whitehall, which to you have been communicated, and in his Maj'tys name you are at your peril required to yield obedience thereunto.

As to the address you mention from the Council and Assembly to my Lord, when no Council and Assembly hath sat since I came into the Province, for by non-appearance on the second of October it became null, I admire that any in the name of such dare presume to address my Lord as presenting grievances. I know of none but maintaining the Kings prerogative. And for violence, I have not raised the militia to take up arms. As for your future proceedings I do advise you to act safely.

And finding, Gentlemen, your aim and drift is to strike at the Kings honor and prerogative, and countenancing of such who are violent against the same,* I shall render an account unto his Majesty of my whole proceedings; and in the meanwhile you are dissolved; and in his Majestys name I do dissolve you. The Court is dissolved.

[LXIV.] Copy to this time sent to his Majesty, January 16, 1698.

New Hamp.

At a Council held at New Castle
Jovis die, January 26, 1698-9.

Present.

The Honorable Samuel Allen, Esq. Governor.

Lt. John Usher, Nath. Fryer, Joseph Smith } Esqs.

Kinsly Hall, Sampson Sheafe } Esqs.

Whereas on Wednesday the fourteenth day of December last past, this Board declared they were of opinion that Capt. John Hincks ought to account with the Honorable Samuel Allen, Esq. Governor of this Province, for the Kings Stores, and powder money that he hath received, and that he pay the balance of said account unto the said Governor or his order, and that the Secretary give him

* *Suspension of Robt. Elliott, Esq. from the Council.*

Prov. New Hampshire.
By the Hon'ble Samuel Allen, Esq. &c.

By vertue of the Power and authority by his Maj'tys commission made Letters Patents, dated at Westminster, the first day of March, in the fourth year of his said Maj'tys reign, to me given and granted: for severall mutinous & contemptuous words and carriages by you, Robert Elliott, Esq. uttered and committed at the Council Board, on ye twenty-eighth day of November & the thirteenth day of Decemb'r last past, contrary to y'r duty, to the trust reposed in you, to the service of his Maj'ty & his government here, & to the evill example of others in the like case offending, you are suspended;—and I do therefore in his Maj'tys name hereby suspend you from being a member of his Maj'tys Council, in this his Maj'tys Province afores'd, from sitting, votting and assisting therein, untill his Maj'tys pleasure be further knowne; & you are hereby suspended.

Given und'r my hand & seal at armes, this twenty-seventh day of Jany. in the tenth year of his Maj'tys Reign, Annoque Domi. 1698-9.

SAMUEL ALLEN, Gov'r.

notice thereof; and whereas notice accordingly hath been given, it is now the opinion of this Board that the Honorable Saml. Allen Esq. Governor, do order by summons s^d^ Hinks to give in his account to him by a day appointed, & in case of refusal, that he be proceeded against according to law.

Ordered, that there be a suitable boat to row with four oars, for the reception of my Lord Bellomont, and use of his Maj'tys Fort, William and Mary, as the Honorable Governor shall direct and that it be paid out of the powder money appointed for that use.*

Ordered, that there be two gentlemen sent to Boston upon notice here of my [LXV.] Ld Bellomonts arrival there, to congratulate his arrival there and that a letter be then drawn up accordingly by the Secretary.

Ordered, that Lieut. Governor, John Usher, Esq. and Joseph Smith, Esq. be desired to accept of said service.

John Usher & Joseph Smith Esqs. declared their acceptance.

Ordered, that the Honorable Samuel Allen Esq., Governor, be desired to take care for a convenient house and accommodations for the reception of my Lord Bellomont and that due provision be made for the same.

The petition of Capt. Shadrach Walton, Esq. for money due to himself for service as Capt. of the Fort, Wm. & Mary, and for wages due to him, formerly allowed but not paid was read.

Ordered, that the Treasurer have order to pay to Capt. Shadrach Walton seventy-three pounds six shillings for his

* Prov. of New Hamp're.

By the Right Hon'ble Samuel Allen, Esq. Govern'r &c:

You are hereby ordered to pay unto Mr. Duncan Campbell of Boston, or his order, out of the money received by yourself, for the tunnage of shipping, twenty-five pounds, ten shillings, curr'tt money of this Province, due to sd Mr. Campbell, for a boat, oares, awning & carpitt, provided by him, pursuant to an order of Councill the 26th Jany. last past, and hereof you are not to faile. Given und'r my hand & seal at Arms, the 8th day of April, 1699.

To JOSEPH SMITH, Treas'r. SAMUEL ALLEN.

own salary, and soldiers wages for service at the Fort according to his petition.

Ordered, that the Treasurer have order to pay to Sampson Sheafe Secretary for use of the Chamber for the Council and the Hall for the Assembly, and for wood and candles, until this 26th January, the sum of three pounds.

The petition of John Cross one of the soldiers at the Fort, for wages due to him was read.

Ordered, that the Treasurer have order to pay John Cross his wages from the arrival of the Honorable Samuel Allen Gov. being the 23d of August unto 26th January, being 19 weeks, £9, 10, and six shillings for his attendance on the Council, is nine pounds 16 shillings.

[LXVI.] Ordered, that whereas there was an order of Council on the 13th of December last past, that Major William Vaughan forthwith deliver all ye Books, Court Rolls, writings, ascrypts, minumts and records whatsoever, deliver unto him the 13th June 1696; and all records Books, Court Rolls, writings and minumts since, which may, ought or should be in his hands, unto Sampson Sheafe Secretary and Register of this Province; since which the sd Major William Vaughan absconds;—and whereas sundry persons have complained & petitioned this Board to order and determine some way whereby his Maj'tys subjects may come to have copy of such records and Deeds as they have occasion for, It is ordered, that there be a strict search made within this Province for finding out of said Books, Court Rolls, Writings, escripts, minumts and Records, and that there be a Warrant issued out for apprehending the person of said Major William Vaughan to answer for his concealing said books; and if he be not found nor said books, that a proclamation issue out for discovery of said Books, Records &c. and of the person of said Major Wm. Vaughan; and that the Secretary draw up said Proclamation into form & subscribe it, and that it be published in the several towns within this Province.

New Hampshire.

To the Sheriff or under-sheriff of our Province:

Whereas on the twenty-sixth day of this instant Jany it was ordered by the Hon'ble Samuel Allen, Esq. Goven^{r} & Council, that having rec^{d} complaints from sundry persons, inhabitants of this Province, that they had Law-suits to commence, & that the copies of their Deeds being upon Record, they had at several times & often been at the dwelling-house of Maj. William Vaughan, where they were informed that the Books, records, & other writings and evidences belonging to the Inhabitants of this Province were lodged, & that he was obliged to give them copies of the same, they paying him the fees appointed by law; but that the said Maj. William Vaughan was alwaies denied to be at home: And that there was no person there could give them any copies of any Records, whereby they were likely to be greatly wronged and dammified; & therefore petitioned that some method might be ordered & determined whereby they might come to obtain authentick copies of their Deeds: the Honble Govern^{r} & Council, then taking the same into consideration, did order that strict sarch should be made for finding out all books, Records, escripts, minum^{ts} and other writings belonging unto the Inhabit^{s} of this Province, which were delivered into the custody of the s^{d} Vaughan: and that a Warrant be made out to apprehend the person of s^{d} William Vaughan, to ansa^{r} for such his contempts, Imbezling or concealing the same.

These are therefore (in his Maj^{tys} name) strictly to charge & command you and every of you, forthwith, upon sight hereof, to make diligent search and inquiry (within this Province) for the said bookes, Records, escripts, minutes, and other writings as aforesaid, which were delivered into the custody of said Vaughan, or which since may have been in his custody, or which are in the custody of any other person or p'sons whatsoever; and if upon search, you find the said books, Records, escripts, minuments, or other writings afores^{d}, or any part of them, you are to deliver the same unto the Secretary of our Province: And you are also farther to make diligent search & inquiry for the person of the said William Vaughan, Esq. and if found to carry him before some one of his Maj^{tys} Justices of Peace of this Province, where he shall be taken (to be dealt with according to law). Hereof fail not at y^{r} perill, and make returne of your doings herein into our Secretaries office: And for your so doing this shall be your warrant. Given under my hand and seale, this thirtieth day of Jany in the tenth year of his Maj^{tys} reign, Anno. Dom. 1698–9

SAMUEL ALLEN, Governor.

Prov. of New Hampshire.

At a Council held at New Castle,
Sabbati die, February 15, 1698–9.

Present.

The Right Honorable Samuel Allen Esq. Governor, Commander in Chief &c. &c.

John Usher Esq. Lieut. Governor.

Nathaniel Fryer } Esqs. Sampson Sheafe Esq.
Kinsley Hall }

LXVII.

Lieut. Peter Wear of Hampton having been summoned, appeared at this Board and was admitted a member of his Maj'tys Council in this Province, and having first taken the oaths appointed by Act of Parliment, and repeated and subscribed the Declaration, took his place accordingly.

The Right Honorable the Governor, presented a letter from William Stoughton Esq. Lieut. Governor of his Majestys Province of the Massachusetts Bay, with a Proclamation inclosed concerning a Peace made by s^d^ Province with the Eastern Indians, & for regulating buildings and settlement in that Province of Maine, and for regulating trade with the Eastern Indians; and laid it before the Board for consideration.

Copy of a Letter from Lieut. Governor Stoughton, of Massachusetts, to Gov. Samuel Allen.

[Farm. Belk. p. 155. Note.]

"Hon'ble Sir:

Upon the late submission made by the Eastern Indians, which it's hoped will settle all things in a present quiet, I have thought fit, with the advice and consent of his Maj'tys Council here, to emit a Proclamation (copy whereof is enclosed) to promote the regular settlement of the Eastern parts of this Province, and for regulating of Trade with the Indians, the better to secure and preserve his Maj'tys Interests and the future peace and tranquillity

of his subjects, that no just provocation may be given to the Indians, or any abuse or injustice done them therein—the terms whereof the Governm^t here expect an exact compliance with, and conformity unto. And judge it necessary for Maj'tys service that your honor be acquainted therewith to the end his Maj'tys subjects within your Government may be notified thereof in such way as you shall think most adviseable, that neither the good intent of the s^d Proclamation be defeated, nor they suffer any loss or damage by acting anything contrary thereunto within the parts of this his Maj'tys Government. Assuring myselfe nothing will be wanting on your honors part to prevent the mischiefes that may ensue upon neglect of the due observance thereof,—I am with much respect,

Sir, your very humble servant

WM. STOUGHTON."

"Boston, February, 16th 1698-9."

The said letter was read, considered and debated. It is thereupon ordered that the said Proclamation be read on the morrow, being the 26th instant by the several ministers of this Province after Sermon unto their several congregations, and that after the reading thereof, it be delivered unto one of the constables of the said several towns, who are hereby ordered and required to affix the same on the most convenient door of each respective Meeting House in this Province, that so all his Maj'tys subjects within this Province may have notice thereof; and that it be also notified that in the articles of Peace it is contained that at all time and times forever and after the date of submission, the said Indians engage to cease & forbear all acts of hostility towards the subjects of the Crown of England, that they will abandon & forsake the French interest, and that all captives in the hands of any of the s^d Indians be forthwith restored without any Ransom or payment.

SUBMISSION OF 1698.

[Coll. N. H. Hist. Soc. II. p. 265-267.]

The renewed Submission of the Eastern Indians, and recognition of their obedience to the Crown of England.

Province of the Massachusetts Bay
in Newland:—

Whereas divers Sagamores, and Chief Captains of all the Indians belonging to the severall rivers of Penobscott, Kennebeck, Amarascoggin and Saco, parts of the said Province of the Massachusetts Bay, within the sovereignty and dominions of his most Excellent Majesty, William the Third, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c., being assembled together at Fort William Henry, at Pemaquid, the eleventh day of August, in the fifth year of the reign of his said Majesty and the late Queen Mary, did then and there, by their submission and agreements, under their hands and seals, for themselves and each of them respectively, and in the name and with the free consent of all the Indians belonging to the several rivers aforesaid, and of all other Indians within the said Province of the Massachusetts Bay, of, and from, Merrimack river, unto the most easterly bounds of said Province, lay down their armes, cast themselves upon his said Majesty's peace and favour, and acknowledged their hearty subjection and obedience to the Crown of England, and did also solemnly covenant, promise and agree to, and with his Excellency Sir William Phipps, Knight, then Captain General and Governor in Chief in and over the aforesaid Province or Territory, on his said Majesty's behalf, in manner following, that is to say:

[See preceding Treaty, 1693 pp. 110–112.]

Whereas, notwithstanding the aforesaid submission and agreements, the said Indians belonging to the rivers aforesaid, or some of them, through the ill counsel and instigation of the French, have perpetrated sundry hostilities against his Majesty's subjects, the English, and have not delivered and returned home several English captives in their hands, as in said submission they covenanted:

Wherefore we, whose names are hereunto subscribed, Sagamores, Captains and principal men of the Indians belonging unto the rivers of Kennebeck, Amarascoggin and Saco, and parts adjacent, being sensible of our great offence and folly, in not comply-

ing with the aforesaid submission and agreements, and also of the sufferings and mischiefs that we have thereby exposed ourselves unto, do, in a humble and most submissive manner, cast ourselves upon his Majesty's mercy for the pardon of all our past rebellions, hostilities and violation of our promises, praying to be received unto his Majesty's grace and protection; and for, and in behalf of, ourselves and of others, the Indians belonging to the several rivers and places aforesaid, within the sovereignty of his Majesty of Great Britain, do again acknowledge and prefer our hearty and sincere obedience unto the Crown of England, and do solemnly renew, ratify and confirme all and every of the articles and agreements contained in the aforecited submission.

In testimony whereof, we, the said Sagamores, Captains and principal men, have hereunto set our several marks and seals, at Casco Bay, near Mares point, the seventh day of January, in the tenth year of the reign of his said Majesty, King William, the Third, Annoq. Domini, 1698–9.

Moxus, his mark × and a seal.
Turramuguos, his mark × and a seal.
Wanooson, his mark × and a seal.
Wasombamit, his mark × and a seal.
Essacombewet, his mark × and a seal.
Bomosin, and a seal.
Wowarrane, al. Joseph, his mark × and a seal.
Mr. Speaker Hernamaquin, his mark × and a seal.
Paquarak, his mark × and a seal.
Nerenoah, for Nateombanit, his mark × and a seal.
Sampson Hegin, his mark × and a seal.
Aboomawa, his mark × and a seal.

The before written was several times read over to the Indians that have subscribed the same, and the several articles and paragraphs thereof plainly and distinctly interpreted unto them, who said they well and thoroughly understood and agreed to the same; and then was signed and sealed by them, in the presence of us—

James Converse,
John Giles, Interpreter,
Cyprian Southack,
Scadook, al. Sampson, his × mark.

A true copy, examined—Pr. Isa. Addington, Sec^y.

The petition of Hannah Purmitt of New Castle for the payment of money due to her for public entertainment by order was read and debated.

Ordered, that the Right Honorable the Governor do give order unto the Treasurer to pay unto Hannah Purmitt eight pounds, twelve shillings, sixpence, due unto her.

The Petition of Samuel Comfort for two [LXVIII.] pounds, seventeen shillings, eight pence due to him for disbursement and service on account of the Province, read and debated.

Ordered, that the Right Honorable the Governor do order the Treasurer to pay two pounds, sixteen shillings, eight pence due unto said Comfort.

Province of New Hampshire.

At a Council held at New Castle, post maridian die Martis 13, [March] 1698–9.

Present.

The Right Honorable Samuel Allen, Esq. Governor &c.

John Usher, Esq. [Lt.] *Governor.*

Nathaniel Fryer, Kinsley Hall*, Joseph Smith* } Esqs. Sampson Sheafe, Peter Wear } Esqs.

It is moved by Joseph Smith Esq. Treasurer, that the new Constables do refuse to collect any rates made in the time of the former Constables, & that the former Constables look upon themselves as discharged, others being chosen in their room.

Resolved, that the late Constables chose and sworn to serve for the year 1698, ought & hereby are required to

* On the 13th of March, 1698-9, Kinsley Hall and Richard Hilton, Esqs., of Exeter, were commissioned as Justices of the Peace, for the Town of Exeter, by Gov. Samuel Allen, and took the usual oath of office.

gather in the remainder of those rates, which they had warrants to collect and that they are liable to make good those rates unto the Treasurer pursuant to their warrants, and that they are required to account with the present Treasurer for the same.

It is moved by Joseph Smith, Esq. Treasurer that whereas Robert Elliott Esq. did by request of the Council pay Henry Langmaids service at his Maj'tys Fort William and Mary, the sum of two pounds, and since on the 27th June last past did obtain an order of Council that the then Treasurer Maj. William Vaughan should pay the same, the said Vaughan being absconded, desired that he might have order for payment thereof.

Ordered, that the present Treasurer do pay unto Robert Elliott, Esq. the said [LXIX.] forty shillings taking up the former order, unto Maj. William Vaughan for payment of the same.

It is further moved by Maj. Joseph Smith, Esq. Treasurer, that there are several poor persons to whom money is due from the Province for service, who have not hitherto made application to this Board for payment, who yet notwithstanding without receiving what is due to them are not able to pay their Rates.

Ordered, that the Treasurer do forbid the Constables distraining on such persons for their Rates until further order.

Province of New Hampshire.

The petition of John Walker undr Sheriff* for service

* John Walker, D. Sheriffs Return of the Hon'ble Samuel Allen's, Esq. Govr'r warrant to search for the Records of the Province, and for the person of William Vaughan, Esq:—

By vertu of the within warrant, I have made diligent search and inquire within this Province, for the Books, Records, escripts, minutes and other wrightings which weare delivered into the custody of said Maj. William Vaughan, &c. As also for the person of sd Maj. William Vaughan, Esq.; and particularly at the house of sd Vaughan, but

and expence on the acc^tt of this Province by order before this Board,—

The Petition was read, and it is ordered that the Treasurer do pay unto the said John Walker the sum of five pounds for his service and expences on account of the Province.

Province of New Hampshire.

At a Council held at New Castle for this Province.
Lunæ Die, Maii 15th 1699.

Present.

The Honorable Samuel Allen Esq. Governor.

Nathaniel Fryer, Joseph Smith, Kinsley Hall } Esqs.
Sampson Sheafe, Nathaniel Wear } Esqs.

An address to his Excellency the Earl of Bellomont was drawn and signed by the Council, as on file.

Ordered, that Capt. Shadrach Walton Esq. be added to the gentlemen appointed to wait upon his Excellency at Boston, to invite him unto this Province, & that his name be inserted in the address.

Ordered, that Thursday the 25th instant be set apart as a day of Fasting and Prayer unto Almighty God, to bless and preserve his Maj'ty, succeed his undertakings, and preserve his Excellency the Earl of Bellomont, & bring him in [LXX.] safety to us, pour out a spirit of reformation, pardon our sins, and heal our divisions; and that the Secretary draw up the same into form which was accordingly

did not find any of sd Books, Records, escripts, minutes or other wrightings afordsd; nither the person of sd Vaughan; but Mrs. Bridget, daughter of sd Vaughan, told me that her father was at Maj. Hammons, and if any body had any business with him might speak with him there; & Mr. Pittman, book-keeper to Maj. Vaughan, said, that all the books belonging to the Province weare carried away out of the house before the Maj'r went to New Yorke—but where he could not tell.

Pr. JOHN WALKER, Sheriff.

done, and approved of by the Governor and Council, copy whereof is on file.

The petition of John Tuttle of Dover as on file was read and debated.

Ordered, that the Treasurer, Major Joseph Smith, do pay unto Capt. John Tuttle of the sum contained in the acc^{tt} he delivered into this Board for Soldiers wages and subsistance money out of Dover Rates, the whole sum being ninety-two pounds, six shillings ten pence, he is to pay the one half part, which is forty six pounds, three shillings five pence, and that the other half be paid out of the first money raised by the Assembly, after Major William Vaughan hath adjusted his account as Treasurer.

The accompt of Samuel Comfort for sundries for the Pinnace amounting to three pounds, one shilling sixpence, was read and debated.

Ordered, that the accompt of Samuel Comfort be allowed and that the Treasurer do pay the same.

The accompt of Francis Tucker for Warehouse room for his Maj'tys Stores was read & ordered that it be referred to the next Council day.

At a Council held at New Castle,
Veneris die, Junis nono, 1699.

Present.

The Honorable Samuel Allen Esq. Governor.

Nathaniel Fryer, Esq.	Sampson Sheafe,
Joseph Smith, Esq.	Nathaniel Wear Esq.

Ordered, that Major Joseph Smith, Esq. Treasurer, do advance the sum of one hundred pounds out of the four hundred pounds Rate for the reception of his Excellency the Earl of Bellomont, according to the Act of Assembly January the 7th last past, there being not at present monies sufficient from the duties of Impost and Custom and Excise

appointed to defray the said charge, and [LXI.] that Major Joseph Smith do take care to make due provision accordingly for his Excellencys reception and entertainment here.

Ordered, that the Treasurer do pay unto John Usher, Esq. himself and Capt. Shadrach Walton, Esq. ten pounds for their disbursement in going for Boston with the address from the Governor and Council of this Province unto his Excellency the Earl of Bellomont.

Commission of the Earl of Bellomont.

[From a Copy in the Secretary's Office.]

WILLIAM THE THIRD, by the Grace of God, of England, Scotland, France, and Ireland, king and defender of the Faith, &c. TO our Right Trusty and Right well beloved Cousin Richard, Earle of Bellomont, Greeting:

WEE, Reposing especiall trust and Confidence in the Prudence, courage and loyalty of you the said Earle of Bellomont, of our especial grace, certain knowledge and meere motion, have thought fit to Constitute and appoint, and by these presents doe Constitute and appoint you the said Richard Earle of Bellomont, to be our Governor and Commander in Chiefe of all that parte of our Province of New Hampshire within our Dominion of New England in America, lyeing and extending itselfe from three miles Northward of Merrimack River or any part thereof, unto the Province of Main with the south part of the Isle of Shoals. AND WEE doe hereby require and command you to doe and execute all things in due manner, that shall belong unto your said Command, and the trust wee have reposed in you according to the Severall powers and directions granted or appointed you by this present Commission; and the Instructions herewith given you or by such further powers or instructions as shall at any time hereafter be granted or appointed you, under our signett or Signe manual, and according to such reasonable Lawes and Statutes as now are or hereafter shall be made and agreed upon by you, with the Advice and consent of our Councill and the Assembly of our Province and Plantation, under your Government in such manner and form as is hereafter expressed: AND wee doe hereby give full power unto you the said Earle of Bellomont after you shall have first taken the Oath for the due execution of the office and trust of our Governor and Commander in Chiefe in and over our said Province of New Hampshire, which the Sd Councill or any five of them have hereby full power and authority and are required to administer unto you, to give and administer to each of the Members of our

s^d Councill as well the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacye, as the Test and an Oath for the due execution of their places and trust, and likewise to require them to subscribe the late Association mentioned in an Act of Parliament made in the Seaventh and Eight years of our Reigne, Entitled, an Act for the better security of his Maj^ties Royall person and Government. AND WEE DOE hereby give and grant unto you full power and authority to suspend any of the members of our said Council from sitting, voting, or assisting therein, if you shall finde just cause for soe doing; AND our will and pleasure is that if by the death, departure out of the Province, or suspension of any of our Councillors, there shall happen to be a vacancy in our said Councill, any three whereof wee doe hereby appoint to be a Quorum; Wee doe hereby require you to certifie us by the first opportunity of such vacancy by the death, departure, suspension or otherwise of any of our Councillors, that wee may under our Signett & Signe Manuel Constitute and appoint others in their Roome. And if it shall at any time happen, that there are less than seaven of them residing in our said Province, wee doe hereby give and grant unto you full power & Authority to choose as many persons out of the principal free holders, Inhabitants of our said Province, as will make up the full number of the Councill to be seaven and noe more; which persons soe chosen and appointed by you shall be to all intents and purposes our Councillors in our said Province, till either they are confirmed by us, or untill by the Nomination of other Councillors by us, under our Signe Manuall and Signett, the said Councill have above seaven persons in itt. AND WEE DOE hereby give and grant unto you full power and Authority with the Advice and Consent of our said Council, from time to time, as need shall require, to summon and call Assemblyes of the freeholders within your Government in such manner and forme as by the advice of our Councill you shall finde most convenient for our service and the good of our said Province: AND OUR WILL and pleasure is that the persons thereupon duly elected by the Major part of the Freeholders and being soe returned, and having before their sitting taken the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Allegiance and Supremacy, and subscribed the Test and Association aforesaid, which Oaths you shall Commissionate fitt persons under the publike Seale to Administer, and without taking the said Oaths and Subscribing the said Test and Association none shall be capable of sitting tho' elected—shall be called and held the Assembly of our said Province: And that you, the said Earle of Bellomont, by and with the Advice and Consent of our said Councill and Assembly or the Major part of them respectively, have full power and authority to Constitute and ordaine Lawes, Statutes and Ordinances for the Publike peace, welfare and good Government, of our said Province and Plantation, and of the people & Inhabitants thereof, and such other as shall resort thereto; and for the benefitt of us our heires and successors, which said Lawes, Statutes and Ordinances, are to be as near as may be agreeable unto the Lawes and Statutes, of this our kingdome of England:—PRO-

VIDED that all such Statutes and Ordinances, of what nature & duration soever, be within three months or sooner after the making of the same, transmitted unto us under the Publicke Seale, for our approbation or Disallowance of them, as alsoe duplicates thereof by the next conveyance; AND in case all or any of them being not before Confirmed by us, shall at any time be disallowed and not approved, and soe signified by us, our Heires and successors, under our or their Signe Manuall & Signett, or by order of our or their privy Council unto you, the said Earle of Bellomont, or to the Commander in Chiefe of our said Province for the time being: then such or soe many of them as shall be disallowed, and not approved of shall from thenceforth cease, determine, and be utterly voyd and of none effect, anything to the contrary thereof in any wise notwithstanding: AND to the end nothing may be passed or done by the said Councill and Assembly to the prejudice of us, our heires, and successors, wee will and Ordaine that you the said Earle of Bellomont shall have and enjoy a Negative voice in making and passing of all Lawes, Statutes and Ordinances, as aforesaid: AND that you shall and may likewise from time to time as you shall Judge it necessary prorouge and dissolve all General Assemblyes, as aforesaid; AND our will and pleasure is that you shall and may keep and use the publicke seale appointed or to be appointed by us for that our Province: AND WEE DOE further give and grant unto you the said Earle of Bellomont, full power and authority from time to time, and at all times, hereafter, by yourselfe or by any other to be authorized by you in that behalfe, to administer the Oaths appointed by act of Parliament to be given instead of the Oaths of Allegiance and Supremacy, to all and every such person or persons as you shall think fitt who shall at any time or times passe into our said Province or shall be resident or abiding there: WEE doe hereby give and grant unto you full power and Authority to erect, Constitute and Establish such and soe many Courts of Judicature and Publick Justice, within our said Province, as you and they shall thinke fitt and necessary for the hearing and determining of all Causes as well Criminall as Civill according to law & equity, and for awarding of execution thereupon with all reasonable and necessary powers, Authorities, Fees, and privileges belonging unto them; as alsoe to appoint and Commissionate fitt persons in the Severall parts of your Government, to Administer the Oaths appointed by act of Parliament to be taken instead of the Oaths of Allegiance & Supremacy, and the Test unto such as shall be obliged to take the same: AND WEE DOE hereby Authorize and Impower you to Constitute and appoint Judges, Justices of the peace, Sheriffs and other Necessary Officers and Ministers in our said Province for the better administration of Justice, and putting the Lawes in Execution, and to Administer, or Cause to be administered such oath or Oaths as are usuall for the due Execution and performance of place and places of trust, and for the clearing of truth in Judiciall Causes: WEE DOE further by these presents will and require that Appeals be permitted to be made in cases of Error from our Courts in New Hampshire, unto you our Governor, and to our Councill, and in your absence from our

said Councill in Civill Causes, PROVIDED the value appealed for doe exceed the sum of one hundred Pounds sterling, and that security be first given by the Appellant to answer such charges as shall be awarded in case the first sentence shall be affirmed. AND WHEREAS wee judge it necessary that all our subjects may have liberty to appeale to our Royal person in cases that may deserve the same. OUR will and pleasure is that if either partie shall not rest satisfied with the Judgement or Sentence of the Superior Court of our Said Province, they may then appeale unto us in our Privy Councill, provided the matter in difference exceed the true value and sum of Three hundred Pounds Sterling; and that such appeals be made within fourteen days after sentence, and that Security likewise be duly given by the Appellant to Answer Such Charges as shall be awarded in case the first Sentence be confirmed, and provided, alsoe, that execution be not suspended by reason of any such appeale unto us: AND WEE doe hereby give and grant unto you full power and authority, where you shall see cause, and thereupon shall Judge any Offender or Offenders in Criminall matters or for any fines or forfeitures fitt objects of our mercy, to pardon and remitt all such offences, fines and forfeitures, before or after Sentence given, (Treason and wilfull murder only excepted.) In which Cases you shall likewise have power upon extraordinary occasions to grant Reprieves to the Offenders untill, and to the intent, our pleasure may be known therein. AND WEE doe hereby give and grant unto you, the said Earle of Bellomont, by your selfe, your Captaines and Commanders by you to be authorized, full power and authority to levy, Arme, Muster, Command or imploy all persons whatsoever residing within our said Province of New Hampshire; and as occasion shall serve them to Transferre from one place to another for the Resisting and withstanding of all enemies, Pirates and Rebells, both at Land and Sea and to Transport such forces to any of our Plantations in America, as occasion shall require for defence of the same against the Invasion or Attempts of any of our Enemies; and them if occasion shall require, to prosecute in or out of the limitts of our said Province or Plantations or any of them, AND if it shall please God, them to vanquish, apprehend and take, and being taken either according to the Law of Armes to putt to death, or keep and preserve alive at your discretion, and to Execute Martiall Law in time of Invasion, Insurrection or warr, and during the Continuance of the Same; as alsoe upon Souldiers in pay, and to doe and Execute all and every other thing and things which to a Captaine Generall doth or ought of Right to belong, as fully and Amply as any our Captaine Generall doth or hath usually done: AND WEE hereby give and grant unto you full power and authority by and with the advice and Consent of our said Councill to Erect, raise and build in our Province, such and soe many forts, Platforms, Castles, Cittyes, Burroughs, Townes, and fortifications, as by the advice aforesaid shall be judged necessary; and the same or any of them to fortify and furnish with Ordinance, Ammunition and all other sort of Armes fitt and necessary for the security and defence of our said Province, and by the advice aforesaid, the same againe or any of them to demolish or dismantle as may be most convenient.

WEE DOE HEREBY give and grant unto you, the said Earle of Bellomont, full power and Authority to Erect one or more Court or Courts Admirall, within our said Province, for the hearing and determining all Marine and other Causes and matters proper to be heard therein, with all Reasonable and necessary powers, Authorities, fees, and priviledges, as alsoe to exercise all power belonging to the place and office of Vice Admirall, of and in all the Seas and Coasts belonging to your Government, according to such Commission, Authority, and Instructions as you shall receive from our Selfe under the Seale of our Admiralty; or from our high Admirall or Commissioner for Executing the office of Lord high Admirall of our foreign Plantations, for the time being; AND FORASMUCH as divers mutinies and disorders doe happen by persons shipped and Imployed at Sea, to the end therefore that such persons may be the better Governed and ordered, we doe hereby give and grant unto you the said Earle of Bellomont, our Captaine Generall and Governor in Chiefe, full power and Authority to Constitute and appoint Captaines, Masters of Shipps and other Commanders, and to grant to such Captaines, Masters of Shipps and other Commanders, Commissions to execute the Law Martiall and to use such proceedings, Authority, Punishment, Correction, and Execution, upon any Offender or Offenders which shall be mutinous, Seditious, disorderly, or any way unruly either at Sea or during the time of abode or residence in any of the ports, Harbours, or Bays of our said Province or Territories as the Cause shall be found to require, according to Martiall Law: PROVIDED that nothing herein contained shall be construed to the enabling you, or any by your Authority, to hold Plea or have jurisdiction of any Offence, cause, matter or thing committed or done upon the high Sea or within any of the havens, Rivers, or Creekes, of our said Province or Territories under your Government, by any Captains, Commanders, Lieutenants, master or other officer, Seaman, Souldier, or person whatsoever, who shall be in actuall Service and pay in and on board any of our Shipps of warr, or other vessels, acting by immediate Commission or Warrant from our Commissioners for executing the office of our High Admirall of England, under the Seale of our Admiralty or from our High Admirall of England for the time being. But that such Captains, Commander, Lieutenant, Master, officer, Seaman, Souldier, or any other person soe offending shall be left to be proceeded against and tryed, as the meritt of their offences shall require, either by Commission under our Great Seale of England, as the Statute of the Twenty-Eight of Henry the Eight directs, or by Commission from our said high Admirall, according to the Act of Parliament passed in the thirteenth year of the Reigne of the late King Charles the Second, Entitled, Act for Establishing Articles and Orders for the regulation and better Government of his Maj^{tys} Navys Shipps of warr, and forces by Sea, and not otherwise; saving only, that it shall and may be lawful for you upon any such Captain or Commander refusing or neglecting to execute, or upon his negligent or undue execution of any of the written orders he shall receive from you for our service, and the service of our said Province, to suspend him the said Capt or Commander

from the Exercise of his said office of Commander, & commit him into safe Custody either on board his own shipp or elsewhere, at the discretion of you in order to his being brought to answer for the same by Commission, under Our Great Seale of England or from our said High Admirall as is before Expressed IN WHICH case, our will and pleasure is that the Capt or Commander soe by you suspended, shall, during such his suspension and Committment, be succeeded in his said office by such Commission or warrant officer of our said Shipp, appointed by our Commissioner for executing the office of our High Admirall of England or by our high Admirall of England for the time being, as by the knowne practice and discipline of our Navy does and ought next to succeed him, as in case of death, sicknesses, or other ordinary disability happening to the Commander of any our shipps of warr, and not otherwise, you standing alsoe accountable to us for the truth & Importance of the Crimes and Misdemeanors, for which you shall soe proceed to the suspending of such our Captain or Commander; PROVIDED alsoe that all such disorders & misdemeanors committed on shore by any Capt., Commander, Lieutenant, Master, or other officer, seamen, souldier, or person whatsoever belonging to any of our shipps of warr or other vessels acting by immediate Commission or warrant from our Commissioners for Executing the Office of our High Admirall of England, under the Seale of our Admiralty or from our High Admirall of England for the time being, may be tryed and punished according to the Lawes of the place where any such disorders, offences and misdemeanors shall be soe committed on shoare, notwithstanding such offender be in our actual service, and born in our pay on board any such our shipps of Warr, or other vessels acting by Imediate Commission or Warrant from our Commissioners for executing the office of our High Admirall, or from our high Admirall as aforesaid, soe he shall not receive any protection for the avoyding of justice, for such offences Committed, on shoare, from any pretence of his being Imployed in our service at Sea: OUR WILL AND pleasure [is] that all publicke moneys raised or to be raised within our said Province, and other the Territories depending thereupon, be issued out by warrant from you by and with the Advice and consent of the Councill, and disposed of by you for the support of the Government and not otherwise: AND WEE doe hereby likewise give and grant unto you full power & Authority by and with the advice of our said Councill, to agree with the Inhabitants of our Province and Territories aforesaid, for such Lands, Tenements, AND Hereditaments, as now are or hereafter shall be in our power to dispose of, and them to grant to any person or persons for such Tearmes and under such moderate Quitt rents, Services, and acknowledgements to be thereupon referred unto us, as you by and with the advice aforesaid shall think fitt; which sd grants are to pass and be sealed, by our seale of New Hampshire, and being entered upon Record by such Officer and Officers as you shall appoint thereunto, shall be good and effectuall in Law against us, our heires and Successors. AND WEE do hereby give you full power to appoint faires, Marts, & Markets within our said Province as you, with the advice of our said Councill shall

think fitt, and to order & appoint such and soe many Ports, Harbours, Bays, Havens and other places, for the Convenience and Security of shipping and for the better loading and unloading of goods and merchandizes, in such and soe many places, as by you with the Advice and Consent of our said Councill, shall be thought fitt and Convenient, and in them or any of them to erect, Nominate and appoint, Custom Houses, Ware houses, and offices relating thereunto, and them to alter, Change, place or displace from time to time, as with the advice aforesaid, shall be thought fitt. And wee doe, by these presents Will, require and Command you to take all possible care for the discountenance of vice and encouraging of virtue and good Living, that by such examples the Infidells may be invited and desire to partake of the Christian faith: And further our will and pleasure is, that you shall not at any time hereafter, by colour of any power or Authority hereby granted or mentioned to be granted, take upon you to give, grant or dispose of any Office or place within our said Province and Territories, which now is or shall be granted under the Great Seale of England, any further than that you may, upon the Vacancy of any such office or Suspension of any Officer by you, putt in any person to officiate in the intervall, untill the said place be disposed of by us under the Great Seale of England, or that our directions be otherwise given therein; And Wee doe hereby require & Command all officers and Ministers Civil and Military, and all other Inhabitants of our said Province to be obedient, Ayding and Assisting unto you the said Earle of Bellomont, in the execution of this our Commission, & of the powers and authorities therein contained; and in case of your death or absence out of our said Province, unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chiefe of our said Province, to whom we doe therefore by these presents, give and grant all and singular the powers and Authorities aforesaid to be executed, and enjoyed by him during our pleasure, or untill you returne to our s^d^ Province: And if upon such death or absence there be noe person upon the place Commissionated by us to be Commander in Chiefe, Our will and pleasure is that then the present Councill of New Hampshire, doe take upon them the administration of the Government and Execute this Commission, and the severall powers and Authorities therein contained, and that such Counsellor who shall be at the time of your death residing within Our Province of New Hampshire, and Nominated in our Instructions to you before any other at that time residing there, doe preside in our said Councill, with such powers and preheminences as any former President hath used and enjoyed within our said Province, untill our pleasure shall be knowen therein, or your return as aforesaid. Lastly, wee doe hereby ordaine and appoint that you the said Earle of Bellomont shall and may hold, Execute, and enjoy the Office and place of our Governor & Commander in Chiefe, in and over our Province & Plantation of New Hampshire, together with all & singular the powers and authorities hereby granted unto you, for and during our pleasure, immediately upon your Arrivall within our said Province of New

Hampshire, and the Publication of this our Commission, from which time our Commission to our Trusty and well beloved SAMUEL ALLEN, Esq., to be Governor and Commander in Chiefe of our said Province of New Hampshire, is immediately to cease & become voyd; & IN WITNESS whereof, wee have caused these our letters to be made Patents. WITTNESSE Thomas Archbishop of Canterbury, and the rest of the Guardians and justices of the Kingdome at Westminister, the Eighteenth day of June, in the Ninth year of our Reigne.

CHUTE.

A Commission for Administering the Oath to the Governor of New Hampshire.

[Commissions, &c., in the Secretary's office.]

WILLIAM the Third, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c: To our trusty and well beloved Edward Randolph, Francis Foxcraft, Nathaniel Byfield, Benjamin Bullivant, Robert Elliott, John Hincks and Thomas Newton, Esquires, or any five of the members of the Councill, and the Collector of his Maj^ties Customes, for the time being, within our Province of New Hampshire, Greeting:

WHEREAS—[here the several Acts of Parliament relating to taking the oath are referred to]—WEE, therefore Reposing especial Trust and Confidence in you, doe hereby appoint, & authorise you, the said Edward Randolph, Francis Foxcraft, Nathaniel Byfield, Benjamin Bullivant, Robert Elliott, John Hincks and Thomas Newton, or any five of the members of the Council, and the Collector of his Maj'ties Customes for the time being, within our Province of New Hampshire, or any three or more of you, to administer the following oath to the Governor or Commander-in-Chiefe of our s^d Province of New Hampshire; and in case of the absence, death or removal of soe many of you, the Commissioners, that there are not a sufficient Number remaining to administer the said oath,—Our further will and pleasure is, that any three or more of the Councill in the said Province for the time being, shall be and are hereby appointed and Impowered to administer the said Oath to the Governor or Commander-in-Cheife in the said Province, for the time being;—IN WITNESSE whereof wee have caused these our Letters to be made Patents. WITNESSE, Thomas, Archbishop of Canterbury, and the rest of the Guardians and Justices of the Kingdome, at Westminster, the thirtieth day of April, in the ninth year of our Reigne.

TREVOR: DAWLING.

OATH.

I, A. B., Governor of the Province of New Hampshire, in America, doe solemnly sweare to doe my utmost, that all the matters and things contained in an Act of Parliament made in Eng-

land, in the twelfth year of the reign of his late Maj^tie King Charles ye Second, entitled an Act for encouraging and encreasing of shipping and Navigation, and one other Act made in the fifteenth year of his said late Maj^ties Reign, entitled an Act for the Encouragement of Trade; and the Act made in the Seventh and eighth years of his present Maj'ties Reigne, Entitled an Act for preventing frauds and regulating Abuses in the plantation Trade; and alsoe, all other Acts which have been made for the better regulating and securing the Plantation Trade, shall be punctually and *bona fide* observed according to the true intent and meaning thereof so farr as appertains to me the Governor of the said Province of New Hampshire.

SOE HELP ME GOD.

COUNCIL RECORDS,

From 31st *July*, 1699, *to Sept.*, 1701.

[Copied from original Council Records in the Secretary's office. Figures in the margin, denote the page of MS. Records.]

P. 1. Province of New Hampshire.

At a Council held at Portsmouth, Lunæ die, July ultimo, Anno 1699, ante meridiem.

Present.

His Excellency Richard, Earle of Bellomont, Captain General &c.

William Partridge, Esq. Lieut. Governor.

Jno. Hinks, Esq. } Nath. Fryer, Esq. }

Peter Coffin } Robert Elliott } John Gerrish } Esqs.

His Maj'tys Letters Patents constituting his Excellency Richard, Earle of Bellomont* Capt Gener^ll and Govern^r in

* The Earl of Bellomont was born in the County of Sligo, Ireland, in the year 1636. His grandfather, Sir Charles Coote, was a "soldier of fortune, trained in the wars of Elizabeth," and distinguished himself by his ferocity in Ireland, in the reign of Charles I. Richard Coote, the Earl's father, was the third son of Sir Charles, and brother of the Earl of Mountrath; and, having co-operated in bringing about the Restoration, was, in 1660, created Baron of Coloony, (Irel'd.) He died on the 16th of July, 1683, and was succeeded in his title and estates, by his son Richard, who went over

Chief in & over his Maj'tys Province of New Hampshire, was read and published.

His Maj'tys Commission unto his Excellency Richard, Earle of Bellomont, to be Vice Admirall was produced in Council.

His Maj'tys commission for administering the oath appointed by an Act of Parliament made in the seventh and eighth year of his present Maj'tys reign, that all Governors shall observe all the Clauses, matters and things contained in the several acts of Parliment in that Act recited and in that present Act was also read.

The oaths appointed by Act of Parliament instead of the Oaths of Allegiance and supremacy, were by the Council administered unto his Excellency Richard Earl of Bellomont, also his Excellency repeated and subscribed the Declaration and Association and took the Oath enjoined by an Act of Parliament made in the seventh and eighth year of his present Maj'tys reign, to observe all matters and things contained in ye severall Acts of Parliament in that Act re-

to the Continent after the accession of James II, and was one of the first to espouse the interest of the Prince of Orange. In 1688, he became a member of Parliament for Droitcorick in Worcestershire. In March, 1689, he received the appointment of Treasurer and Receiver-General to Queen Mary, consort of William III., whereupon, the Parliament held at Dublin, by James II, pronounced an attainder against him. The displeasure of the fallen Monarch, however, only served to secure the favor of William and Mary; and, on the 2d November, 1689, he was advanced to the dignity of Earl of Bellomont. He married, in 1660, Catharine, daughter and heiress of John Nanfan, Esq., of Birch Monton, in the County of Worcester, and had issue two sons, Nanfan and Richard, who successively inherited their father's title.

On his arrival, in this country 1699, as Governor of New-York, Massachusetts and New Hampshire, he was received with the greatest respect; and he took every method to ingratiate himself with the people. He was condescending, affable and courteous, and rendered himself very popular in his Government. Short as was his administration, he obtained a larger sum, as a salary and gratuity, than any of his predecessors. His last meeting with the Council and General Assembly of New Hampshire, was the 17th of August, 1699. In May, 1700, he took leave of Massachusetts, and went to New York—of his administration in that Colony a full account may be found in the Col. Hist. of N. Y. Vol. III, IV, V, &c. The Earl ot Bellomont died in New York, March 5, 1701. He was interred with becoming honors in the chapel of the fort at the Battery; but, afterwards, when the fort was taken down and the Battery leveled, in 1790, the leaden coffin was removed and finally deposited in St. Paul's Church Yard, N. Y. The Countess of Bellomont soon after his decease returned to Ireland, and died at the family seat in the County of Sligo, 12th March, 1728, in the 90th year of her age.—*Col. Doc. N. Y., Vol. IV. p.* 851, *note,* and *Holmes' Am. An. Vol. I. p.* 481.—Ed.

cited and in that present Act before the Council and Sampson Sheafe, Deputy Collector of his Maj'tys Province of New Hampshire and Maine; and also took the Oath duely to execute the place of Capt. Gener[ll] and Governor in Chief, in and over this Province.

Lieut. Govern[r] Wm. Partridge Esq. took the Oaths appointed instead of the oaths of Allegiance and Supremacy, repeated and subscribed the Declaration and Association, also took the oath to observe all the Clauses, matters and things contained in the several Acts of Parliament recited in an Act made in the seventh and [p. 2.] eighth year of his present Maj'tys reign entitled an Act for preventing frauds and regulating abuses in the Plantation Trade, and all the clauses, matters and things contained in said Act; and took the oath duly to execute the place of Lieut. Governor during the absence or upon the death of the Earle of Bellomont, also took the oath of Privy Councillor.

John Hinckes, Nathaniel Fryer, Peter Coffin, Robert Elliott and John Gerrish, Esqs. took the oaths appointed by Act of Parliament, instead of the oaths of Allegiance and Supremacy; repeated and subscribed the Test and Association, and took the oath of Privy Councillor. Sampson Sheaf being appointed by his Excellency Secretary of this Province took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Association and Declaration.

Ordered, that Writs be issued out for calling an Assembly to sit at Portsmouth on Monday the seventh day of August next, at nine of the clock in the morning.

A Petition being delivered unto his Excellency and Council of Mr. Richard Waldron, Major William Vaughan, and Capt. Henry Dow presented by the hands of the said Rich[d] Waldron against the Judges of the Supreme Court of Judicature in this Province:—

It is therefor ordered by his Excellency by and with the advice and consent of the Council, that Proclamation be

made for the continuance of the Justice of the peace and constables only in their respective places for conservation of the Peace until further order.

The Council having advised his Excellency to remove Wm. Ardell from being High Sheriff of this Province, as being a person who lives remote, also a great Swearer, given unto drinke and abusive in his drinke, and of no visible Estate in this Province, and therefore very unfitt for the place of High Sheriff:—

It is therefore ordered that the said Ardell be discharged from said office of High Sherriff, and that Richard Josse be High Sherriff for the ensuing year, that is until Michælmas Day come twelve month Anno Domi, one thousand seven hundred, and that the Secretary do draw up a Commission for said Josse accordingly.

[p. 3.] At a Councill held at Portsmouth, Martis die, August Primo, Anno 1699 ante meridiem.

Present.

His Excellency Richard Earle of Bellomont, Capt. General &c.

Wm. Partridge, Lt. Governor.

John Hinckes, Nath. Fryer } Esqs.

Robert Elliott, Peter Coffin, John Gerrish } Esqs.

His Excellency moved to the Council that it would be convenient to propose to the Assembly that the Supreme Court of Judicature be revived in some convenient time; that soe those causes which should have been tried at the said Court which should have been held this day by adjournment, may proceed as if said Court had not ceased.

Ordered, that a bill be prepared accordingly to be laid before the Generall Assembly at their meeting on the

seventh day of this present month of August and that the Lieut. Govern^r, Wm. Partridge, Esq. and Robert Elliott, Esq. be a Committee to prepare said bill and that Mr. Richard Waldron be added unto and be one of said Committee.

Nathaniel Ware, Esq. nominated in his Maj'tys instructions to be one of the members of the Council for this Province, being sent for appeared, and desired, upon consideration of his age, and remote living he might be dismist from said service, which was accordingly allowed him.

His Excellency moved that a bill be prepared for the due qualification of Jurors to serve in the several Courts of Justice within this Province, to be laid before the Assembly when convened.

Ordered, that the said bill be referred to the same Committee.

His Excellency moved that a bill be prepared for contributing toward the charge of erecting and building a convenient Fort on New Castle Island in this Province for his Majestys service, to be laid before the Assembly.

Ordered, that it be referred to the same Committee.

His Excellency moved further that a bill be prepared for the restraining and punishing Privateers and Pirates.

Ordered, that it be referred to the same Committee.

His Excellency moved that a bill be prepared for facilitating the conversion of Indians and Negroes.

Ordered, that it be referred to the same Committee.

[P. 4.] His Excellency proposes unto the Council, that notwithstanding the Indians have a mind to see and treat with him about their allegiance to his Majesty, that Capt. John Hill, commander of Sacoa Fort, be ordered to send immediate notice to the said Indians of his Excellencys appointment of seeing their principal Sachamores at Portsm^o upon Thursday the tenth day of this present month of August, for the end aforesaid, to which proposal the Council doe consent.

Richard Joss commissionated by his Excellency to be

High Sheriffe until Michaelmas of the ensuing year Anno one thousand seven hundred, took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy, repeated and subscribed the Declaration and Association, and took the oath of being faithful in the office of Sheriffe according to the form thereof, before his Excellency and Councill.

Adjourned till Saturday next nine a clock before noon.

At a Council held at Portsmouth, Sabbati die, August Quinto, Anno 1699, ante meridiem.

Present.

His Excellency Richard Earle of Bellomont Capt. General &c.

Wm. Partridge, Esq. Lt. Governor.

John Hinckes, Esq. Nath Fryer, Robert Elliott, } Esqs.

Capt. John Hill commander of Sacoa Fort waited upon his Excellency this day in Councill and gave the following account concerning the Eastern Indians viz.

That on yesterday the fourth day of this instant August, two of the chief Indians named Bombazeene and Eskumnitt came unto him, said Hill, at Socoa, and that they enquired of him concerning the great Govern^r and being told by him that his Excellency was at Piscataqua, they seemed to be very glad, and said if the great Governor would appoint a time and place where they should meet with him, they would go and call a Council of their Indians and then they would consider what to do; that Bombazeen told him all those lands belonged unto his uncle Moxis, the Chief Sachamore of that place, and saith that those Eastern Indians carry themselves very surly and insolently and doe say that the English shall not repossess and enjoy the Lands in the [P. 5.] Province of Maine, otherwise than by agreement with them. Said Hill further advertizeth, that the Indians have three Forts, one at the head of Kennibeck River called Narregawock, another Fort at

Ammis Coggin called Secunti, being a branch of Kennibeck River to the Westward, the third Fort as he understands lies by a great Pond between those two Forts and that in each of these Forts are French Priests, Missionaries, who do instruct the Indians in the Romish Religion.

Ordered, that Capt. Hill doe acquaint the said Eastern Indians that this place of Portsm° is the place where his Excellency appoints to see them, and that the said Capt. Hill do take care for their safe and convenient coming and that Monday next seven-night being the fourteenth instant be the day his Excellency appoints for treating with them, and that if they say they cannot be here at that time, the said Capt. Hill may propose their coming to his Excellency at Boston.

His Excellency acquainting the Board with his Maj'tys orders to him strictly to forbid all his Maj'tys subjects or others inhabiting within the districts of his government holding any correspondence with, or giving any assistance to any person or persons who have been fitted out of Scotland and are said to have settled in a certain place in the West Indies, by them called Calladonia, or to enter into any traffic or commerce with them or any of them.

It is thereupon ordered that Proclamation be made that no provision, ammunition or other necessaries whatsoever be transported or carried to them from this Province or any part thereof, either in their own vessel or any other Shipp or vessel for that use, and that the High Sheriff doe make publication thereof in the several respective towns within this Province in the usual manner. Adjourned to Monday morning, Nine a clock.

Province of New Hampshire.

[P. 6.] At a Council held at Portsm° the 18th day of August, being Fryday, Anno Domi. 1699, in ye evening.

Present.

The Honorable William Partridge, Esq. Lt. Governor.

John Hinckes, Nathl Fryer } Esqs. Robert Elliott, Rich. Waldron } Esqs.

Mr. Charles Story being appointed Secretary of this Province by his Excellency the Earle of Bellomont took the oaths appointed by act of Parliament instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Declaration and Association.

Richard Waldron, Henry Dow and Theodore Atkinson, Esqs., being appointed and commissionated Justices of the Inferior Court of Common Pleas, took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Declaration and Association, and took the oaths appointed by an Act of Assembly of this Province, entitled an Act for establishing Courts of public Justice within this Province, as also the Justices oath.

Mr. Henry Penny being appointed Clerk of the Inferior Court of Common Pleas of this Province, and Clerk of the Peace, took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Declaration and Association.

Ordered, that the Secretary of this Province doe send forth orders to all officers Civil and Millitary within this Province, to appear before the Lt. Govern^r and Council at Portsm° on Fryday next, being the 25th of August inst. at 10 a clock in ye forenoon, in order to take ye oaths appointed by law, and to receive y^r commissions.

[P. 7.] Ordered, that Mr. Sam^ll Comfort, late Clerk of the Inferior Court of Pleas and Clerk of the Peace, deliver up all Books, Papers, and Files of the Public Records be-

longing to those Courts and this Province into the hands of Mr. Henry Penny now appointed to those offices, and that the Secretary do issue forth an order accordingly.

Province of New Hampshire.

At a Council held at Portsm° on Friday the 25th August, Anno Domini, 1699.

Present.

The Honourable Wm. Partridge, Esq. Lieut. Governour.

John Hinkes, Nathll Fryer } Esqs.

Peter Coffin, Rich. Waldron, John Gerrish } Esqs.

John Hinckes, John Gerrish, Nath. Fryer, Peter Coffin, Henry Green, Nath. Ware, John Plaisted, Sam. Penhallow, Moses Levitt, Wm. Vaughan, John Woodman and Henry Dow, Esq., John Pickering, Tobias Langdon, John Snell, Simon Wiggin, Nath. Ayres, John Shirburn, John Tuttle, Jacob Green, John Smith, Nathll Hill, Joseph Swett, Samll Marston, John Gove, Hate-evil Roberts, James Levitt, James Davis and Stephen Jones took the oaths appointed by law, instead of the oaths of Allegiance and Supremacy and signed the Test and Association and had their Commissions delivered to them by the Lieut. Governor Partridge.

John Gerrish, Nathll Fryer and Peter Coffin; Henry Green Nathaniel Fryer, Peter Coffin, Sam. Penhallow, Moses Levitt, Wm. Vaughan, John Woodman and Henry Dow took their oaths as Justices of the Peace for this Province; and the said John Woodman, Esq. took the oath as Justice of the Inferior Court of Common Pleas after the form mentioned in an Act of Assembly entitled an Act for establishing Courts of Justice within this Province, as also John Hincks Esq. took the oath of Chief Justice of the Superior Court of Judicature, and Peter Coffin, John Gerrish and John

Plaisted, took the oaths as Justices of said Superior Court after the form in the said Act mentioned.

[P. 8.] Peter Coffin, Esq. one of his Maj'tys Council deposed upon oath that about three years since attending his Maj'tys Council at Newcastle and coming directly thence, he met with Mr. Shadrach Walton, who treated him the Deponent with misbecoming reviling language, and threatened to break the Depon^{ts} head, &c.

Theodore Atkinson, Esq. signed and swore to a deposition in writing relating to the Barque Hopewell, whereof, James Mountais was owner, and the said deposition was delivered to the Lieut. Govern^{r}.

At a Council held after the adjournment of the Assembly about six of the clock in the evening, on Monday 18th 7ber, 1699.

Present.

Wm. Partridge, Esq., Lieut. Governour.

Jno. Hinkes
Robert Elliott } Esqs.
Richard Waldron

Lewis de Rine a Frenchman, appearing before the Council and being looked upon as a vagabond or spy, & having been examin^{d}, several questions being put to him, was found to be guilty of telling several horrid lyes of suspicious consequence.

Ordered, that the said Lewis de Rine be sent to Goale till further order, and that the Mittimus be directed to the Sherriffe and that he be allowed sufficient provisions.

At a Council held at Portsm° the 16th of December, Anno Dmi. 1699.

Present.

The Honble William Partridge, Esq. Lt. Govern^r and Command^r in Chief.

John Hinkes } Esqs. Robt. Elliott }

Capt. Jno. Gerrish } Esqs. Richard Waldron }

The Lieut. Governor was pleased to acquaint the Council that Oliver Andrews, John Swallow, Benjamin Garrway and Saml. Butcher, who were lately committed by the Justices for a Riot, and now in prison till their fines to the King be paid, have by their several petitions, as on file, represented their present incapacities and pray to be put into some service to enable them to satisfie the same, complaining also of the great hardships they are like to suffer by their continuance [P. 9.] in prison this cold season.

The Sheriff having also by his petition, as on file, to the Lieut. Govern^r and Council, set forth the insufficiency of the prison, and that the prisoners are in danger to perish by the cold not having wherewith to pay y^r fines:—

Whereas the aforesaid prisoners did belong to the shipp Charles and Sarah, whereof Capt. Edward Willimott is at present commander, the said Willimott did appear before the Lieut. Govern^r and Council and pray the Lt. Govern^rs favor to remit the one half of their fines, the better to enable them to make friends to procure the rest: which being granted, it was ordered that the Sheriffe do deliver to Capt. Willimott aforesaid the several prisoners aforenamed;—he paying the remainder of their fines and charges; but in case the said Capt. Willimott shall refuse to do the same, that then the Sheriffe to dispose of such prisoners to whom he shall think most discreet, that they shall be put into such service as the Kings fines may be secured thereby.

Whereas, there is several arrears in the hands of the late Constables upon the Acct. of the four hundred pound Province Rate made in the year 1698,

Ordered, Mr. Samuel Penhallow the present Treasurer forthwith call the said Constables to acc^{t} in order to pay in the said money to him and he give receipts for ye same.

At a Council held at Portsmouth on Monday the 19th Febru^{y} 1699, post Meridiem.

Present.

The Honourable William Partridge, Esq. Lt. Governour.

Jno. Hinkes } Esqs. Nath. Fryer }

Robert Elliott } Esqs. Richard Waldron }

The Lt. Govern^{r} was pleased to give the Council to understand that this day Capt. John Tuttle of Dover with some other of the inhabitants of said town had been to inform him that the Indians late conversant at Cochecha were all suddenly withdrawn, and that they departed on Thursday night last, supposed to be occasioned by an Indian that came that afternoon [P. 10] out of the woods, and made all dispatch to gather all the Indians together, with whom he went away that night. Some of the Squaws who seemed to be well affected to the English discovered a great deal of sorrow, saying they should never see them again, and by their whole carriage gave occasion of suspicion that the Indians designed mischiefe agast us, and therefore desired the Councils' advice;—who thought meet that the Lt. Govern^{r} forthwith issue out his order to the Major of the Militia of this Province, with all expedition requiring him to command all the Capt^{s} of the several towns that they immediately appoint Watch and Ward in their several Precincts, and that they continue so till further order; and likewise take care that if any Indians come into any of the towns in a peaceable manner they may be civilly treated.

And further that the Lt. Govern^{r} do likewise signify to his Excellency Richard Earle of Bellomont, the proceedings above mentioned, and pray his Lord^{pps} direction therein.

Province of New Hampshire.

At a Council held at Portsmouth, the 15th March 1699, on Friday in the afternoon.

Present.

The Honourable Wm. Partridge, Esq. Lt. Governour.

Jno. Hinckes } Esqs. Peter Coffin } Esqs.
Nath. Fryer } Richard Waldron }

The Lt. Governr produced a letter at this Board from his Excellency Richard Earle of Bellomont, dated at Boston, the 12th instant, wherein he did signify that he had advice that the Indians were meditating mischiefe against the English, and that they really intended to make a genell insurrection in a very short time, and withal advised the Lt. Governr not to faile to communicate the same to all the Towns within this Province immediately, which the Lt. Governor signified he had accordingly done, and thereupon it was ordered,

[p. 11.] That the Secretary do forthwith signifie unto Major William Vaughan that it is the express command of the Lieut. Governr with the advice of the Council, that he take effectual care to give strict orders to the several Capts and committees of the Militia in the respective towns within this Province, to see that the inhabitants be furnished with arms and ammunition according to law, that good Military watches be set up and Scouts kept out, and that Garrisons and Fortifications be immediately repaired and put in order, or new built in convenient places for the better defence of his Maj'tys subjects.

And further, that the several Capts doe list a quarter part of the number of traine soldiers under their command, to be ready at an hours warning with arms and ammunition, to march to the reliefe of any that may be in distress, in case the Indians should attempt the destruction and annoyance of any of his Majestys subjects within this Province: however, if any Indians appear peaceably that they be civilly treated.

Province of New Hampshire.

At a Council held at Portsmouth, on Monday the 20th of May, 1700, in the forenoon.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^r.

John Hinkes, Nath. Fryer } Esqs. Robt. Elliott, Richard Waldron } Esqs.

Wate Winthropp, Esq. produced a Commission to him directed, for Judge of the Admiralty of this Province bearing date the 22^d of May, 1699, in the eleventh year of King Williams reign, which was read, approved and allowed of.

And then took the oaths appointed by Acts of Parliament instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Declaration and Association.

Province of New Hampshire.

[P. 12.] At a Council held at Portsmouth the 22^d day of November, 1700 post meridiem.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^r.

John Hinkes, Nath. Fryer } Esqs. Robert Elliott, Peter Coffin, John Gerrish } Esqs.

The Lieut. Govern^r was pleased to move to the Council that a day of Thanksgiving be set apart for returning thanks and praise to Almighty God for many blessings and favors bestowed upon this Province: First in preserving his Maj'ty King William in life and health, as also the people here from the suspicious danger they lay under last Spring of the year by that cruel and barbarous enemy the Indians. For a plentiful harvest bestowed upon us this summer past; in preserving us with health; and for the great Mercy of

God in granting us to live in peace and quietness under this present Government;—

And, namely, [mainly] for the enjoyment of the Gospel and Gospel Ordinances. And for all other His daily mercies and blessings bestowed upon us from time to time.

Ordered, that Thursday the 12th day of December next, be set apart for a Thanksgiving Day as aforesaid; and Mr. Waldron, Mr. Hinkes and Mr. Secretary draw up Proclamation accordingly; and that the same be sent to each minister of every town in said Province in order to publish the same.

[Prov. Rec. B. II. p. 271.]

Province of New Hampshire.

By the Hon. Wm. Partridge, Esq. Lt. Governour of said Province.

A PROCLAMATION

For a General Thanksgiving Day.

Forasmuch as a grateful acknowledgment is due unto Almighty God, for the singular favors and blessings we daily receive from his Divine bounty; And, moreover, considering the manifold mercies which otherwise we are made the subjects of: as first, in the preservation of our gracious sovereign King William in life and health; his kingdoms and dominions in peace and tranquillity; and, especially in favouring this, his Majesty's Province, with many and singular instances of Divine goodness the year past—particularly, in general health, preventing of contagious mortal sicknesses, which have prevailed to some degree, in other the English Plantations; in bringing to maturity a harvest so much beyond our expectation, considering the long drought which threatened a great scarcity;—and, in granting us to live in peace and quietness under this present government; And, that notwithstanding the appearance of a new Indian war the last spring, by the blessing of God, (in the extraordinary conduct of his Excellency the Earl of Bellomont our Governor) the storm is blown over; and by his wise and prudent negotiation with the Maques [Mohawks] and other of the five Nations of Indians at Albany, we have a fair prospect of a continuing peace with those our barbarous neighbors; and, what is of greater worth, namely, the enjoyment of the Gospel and Gospel ordinances;—All which bespeaks a deep sense of our obligations to the great and divine Majesty of Heaven.

In the returning of thanks and praise to Him for the same, I do, therefore, by and with the consent of his Majestys Council, order

and appoint Thursday, the 12th day of December next [to] be observed and set apart throughout this Province, for the offering up of publick Praise and Thanksgiving to the God of Heaven who is the Giver and Bestower of All his mercies,—hereby exhorting both ministers and people in their respective congregations and Assemblies, to a religious performance of the duties required on such a day; and commanding that all persons abstain from their servile business and employments thereupon.

Given at the Council Chamber in Portsmouth, the 22d day of November, 1700, in the twelfth year of his Maj'tys reign.

WM. PARTRIDGE, Lt. Governor.

By order of the
Governor and Council.

CHARLES STORY, Secretary.

[P. 13.] Province of New Hampshire.

At a Council held at Portsmo the 5th December, 1700, post meridiem.

Present.

The Honble Wm. Partridge, Esq. Lt. Governr.

John Hinkes, Robert Elliott } Esqs.

John Gerrish, Rich. Waldron } Esqs.

The Lt. Governr produced a letter to ye Board from the Earle of Bellomont dated at York, the 17th Novbr, 1700, where were inclosed a Letter from the Council Chamber at Whitehall, dated the 18th July 1700, as also a Letter from the Lords Comrs of Trade and Plantations dated at Whitehall, August 1st 1700, which were both read and are as follows.

L. S. At the Council Chamber at Whitehall, the 18th day of July, 1700.

Present.

Their Excellencies the Lords Justices in Councill.

"It is this day ordered by their Excellencies the Lords Justices in Council that directions be sent to the respective Governments

of his Maj'tys Plantations in America as well such as are granted in propriety, as such as are governed by Commission from his Maj'ty, to transmit an Acct. to the Lords Com^rs for Trade and Plantations in his most particular manner of the method of proceedings in the several Courts upon trials of all sorts of Causes in the said Courts in those parts respectively, and that the same be communicated by y^r Lordships to this Board for his Maj'tys better information in the determining Appeals from the Plantations; And the Lords Com^rs for Trade and Plantations are to signify your Excellencies pleasure herein to the said respective Governments accordingly.

Signed

JOHN POVEY."

A True Copy,

WM. POPPLE.

Whitehall, August the 1st 1700.

[P. 14.] My Lord,

Their Excellencies the Lords' Justices, having by order of Council of the 18th of July last, required us to signify their Pleasure unto the respective Governments of his Maj'tys Plantations in America, as well such as are granted in Propriety as such as are Governed by Commission from his Maj'ty relating to the method of proceedings in the several Courts upon trials of all sorts of Causes in the said Courts in those parts respectively, Wee send your Lordships here inclosed a copy of the said order that you may observe the same in transmitting to us the Acc^tts thereby required with relation to his Maj'tys Province of New Hampshire, so soon as possible.

We are, My Lord,

Yo^r Lord^pps most Humble Servants,

JOHN POLLEXFON, PH. MEADOWS,
ABR. HILL, GEO. STEPNEY,
A. PRIOR.

Right Honorable the Earl of Bellomont.

Answer of s^d Letter sent to the Lords Com^rs of Trade and Plantations as follows, viz.

New Hampshire in New England, 5th xber, 1700.

May it please your Lordships—

I have lately rec^d from his Excellency the Earle of Bellomont, a letter dated at New York 17th current, wherein came inclosed an

order from y^r Lord^pps for transmitting an acc^tt of the methods of proceeding in the several Courts upon trial of all sorts of causes within this his Maj'tys Province of New Hampshire: In obedience whereto, I have here inclosed a Copy of a Law of this Province for establishing Courts of Judicature for trial of all causes within the same, wherein all methods of proceeding therein are particularly mentioned, & a special regard had to the direction of his Maj'tys Commission in matters of Appeal to which I most humbly refer your Lordships and beg leave to subscribe,

May it please your Lordships,

Your most humble and obedient servant.

WM. PARTRIDGE,
Lieut. Gove^r.

Province of NewHampshire.

At a Council held at Portsm° the seventh day of April, 1701, ante meridiem.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^r.

John Hinkes, Nath. Fryer } Esqs. Peter Coffin, John Gerrish } Esqs.

Richard Waldron.

The Lieut. Govern^r having formerly had advice from the late Earle of Bellomont in a case of a vacancy of any of the Council, that he should swear Major Wm. Vaughan as one of the said Council, and said Major Vaughan being this day sent for to this Board was by the Lieut. Govern^r and Council admitted as one of the Council, who took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy, and signed and repeated the Declaration and Association, and took the oath of a Councillor.

Ephraim Marstin, Constable of the town of Hampton, gave this Board to understand, that pursuant to a Warrant from the Treasurer he called the inhabitants of said town together to make choice of Assessors, as the law directs, but some ill-affected persons did give interruption thereto, whereby it might occasion some ill consequence.

Ordered, that the Secretary write to the Justices of the peace and Selectmen of the town of Hampton to proceed upon making the Rate as the law directs, and give notice to Lt. Govern^{r} and Council of any person that shall give any interruption thereto, that such person offending might be treated accordingly. W^{t} was write is upon file.

Province of New Hampshire.

[P. 16.] At a Council held at Portsm^{o} on Monday the 12th May, 1701.

Present.

The Honourable Wm. Partridge, Esq. Lieut. Govern^{r}.

John Hinkes, Nath. Fryer } Esqs.

Wm. Vaughan, John Gerrish, Richard Waldron } Esqs.

An order at the Court at Hampton Court,* dated the 22^{d} October 1700, present the Kings most Excellent Majesty, was read at this Board relating to the repealing of a Law, entitled an Act for the restraining and punishing of Privateers and Pirates—(and is upon file).

Ordered, that the said order be published by the Sheriff with Beat of Drum.

A representation of the Lords Com^{rs} of Trade and Plantations bearing date Whitehall, October the 9th 1700, was read at this Board and upon file.

An order at the Court at Hampton Court the 22^{d} October, present, the Kings most Excellent Majesty, in Council, was read at this Board, (and upon file).

Ordered, that the said Representation and Orders, be entered in the Council Book—and are as follows.

* In England.

[p. 17.] At the Court at Hampton Court, the 22d of October, 1700.

Present.

The Kings most Excellent Maj'ty in Council.

Whereas by Commission under the Great Seal of England, the Governor, Council and Assembly of his Maj'tys Province of New Hampshire, have been authorized and impowered to Constitute and Ordain Laws, Statutes and Ordinances, which are to be transmitted to his Maj'ty for his Royal Approbation or disallowance of them; and whereas in pursuance of the said Commission a Law has been made by the Governor, Council, and Assembly of the said Province of New Hampshire, entitled an Act for the restraining and punishing of Privateers and Pirates—which the Lords Comrs for Trade and Plantations have perused and for the reasons set forth in their Representation this day read at the Board, are humbly of opinion that the same be repealed—His Maj'ty with the advice of his Privy Council is pleased to declare his disapprobation and disallowance of the said Law, and pursuant to his Royal Pleasure thereupon, the said Law is hereby repealed and declared void and of no effect.

John Povey.

[p. 18.] To their Excellencies the Lords Justices. May it please your Excellencies.

The Earle of Bellomont having lately transmitted to us some Acts of the General Assembly of his Majestys Province of New Hampshire, held there the 7th August 1699: Upon which we cannot make a perfect Report, (because of the confusion and uncertain state of the former Acts of that Province,) until we receive a complete and authentic collection of the whole, which has accordingly been required: Wee only crave leave at present to represent unto yor Excellencies our opinion upon the two following, viz.

1st. *An Act for restraining and punishing Privateers and Pirates,** which though it might have been useful to the end intended in case no other provision had been made here for the same purpose; yet finding it insufficient with the Act passed here the last session of Parliament for the more effectual suppression of Piracy,

We are humbly of the opinion that it be Repealed.

2dly. *An Act for a Tax or Assessment of* 500£

Which being intended for the proper use of the Earle of Bellomont, but by the Constitution of that Government his Lordship

* See Vol. I. Prov. Papers, pp. 505-507.

not being allowed to receive the benefit thereof, without his Maj'tys approbation first had that the money be so supplied:

We humbly offer that your Excellencies may be graciously pleased to permit him, the said Earl of Bellomont to receive the said sum of 500£, according to said Act.

Which nevertheless
is most humbly submitted.

Whitehall, October
the 9th 1700.

PHILIP MEADOWS, JNO. POLLEXFEN,
ABR. HILL, GEORGE STEPNEY,
MATH. PRIOR.

[P. 19.] At the Court at Hampton Court, the 22d of October, 1700.

Present.

The Kings most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lords Comrs for Trade and Plantations dated the 10th inst. setting forth that an Act had been lately passed by the General Assembly of his Maj'tys Province of New Hampshire, entitled an Act for a Tax or assessment of five hundred pounds, which is intended for the proper use of the Earl of Bellomont, but by the Constitution of that Government his Lordship not being allowed to receive the benefit thereof without his Maj'tys approbation first had that the money be so applied; His Maj'ty in Council is pleased to approve the said Act; and to order that the said Earle of Bellomont be and he is hereby permitted to receive to his own use the said sum of 500 lb intended him as a present by said Act. Whereof all persons concerned are to take notice and govern themselves accordingly.

JOHN POVEY.

New Hampshire.
500£ to the Earl of Bellomont.

Province of New Hampshire.

[P. 20.] At a Council held at Portsm°, Friday the 12th 7ber, 1701.

Present.

The Honble Wm Partridge, Esq. Lt. Govern^r.

John Hinkes, Robert Elliott } Esqs. Peter Coffin, Wm. Vaughan } Esqs.

Richard Waldron.

The several Letters following, being sent to the Lieut. Govern^r to be communicated to the Council, was accordingly done and read at this Board, and are as follows, (all upon file.)

Confirmation of the Treaty with Algier, and the additional Articles 17th Aug. 1700.

First—

We, the most Excellent and most Illustrious Lords, Mustapha Dey, Ali Bashaw, and Mustapha Aga, Govern^rs of the most famous and warlike City and Kingdom of Algier, do by these presents renew and confirm the Peace we so happily enjoy with the King of Great Brittaine, France and Ireland, Defender of the Christian Faith, and his subjects, made in the year 1682, in every part and Article, more particularly that of the 8th wherein it is expressed that no Ship or Vessel belonging to our Government of Algier, shall cruise near or in sight of any the Roads, Havens, or Ports, Towns or places belonging to the said King of Great Brittaine or any ways disturb the Peace or Commerce of the same. And in compliance with the 8th Article of that Treaty, We do sincerely promise and declare, that such Orders shall for the future be given to all Our Commanders, that under a severe penalty and Our utmost displeasure they shall not enter into the Channel of England, nor come nor cruise in sight of any part of his Maj'tys of Great Brittaine's Dominions, any more for the time to come.

Secondly—

That whereas we had declared [P. 21] that all Ships and Vessels belonging to the said King of Great Brittaine should have passes, by the last of September, 1700, We do by these declare, at the desire of Capt. John Munden, Commander-in-chief of his Maj'tys Ships in the Mediterranean, and Robert Cole, Esq. his Maj'tys Consul now residing at our City of Algier, on behalf of their great M^r, that no passes shall be required or expected from any of the English Ships or Vessels in any part of the world, but that they shall proceed on their voyage without producing or shewing a pass to any of our Cruizers till the last of September 1701; and after that time is expired, and any ship of England be seized not having a pass, we do hereby declare that the Goods in

that ship shall be prize; but the Mar, men and ship shall be restored and the freight immediately paid to the said Master to the utmost value as he should have had, if he had gone safe to the Port where he was bound.

Thirdly—

That whereas Capt. John Munden has given us good assurances that he had a great affront some years passed from some of our rude sailors at our Mould, We do hereby promise that at all times whenever any of the King of Great Brittaines' ships of War come to this place, order shall be given to an Officer of the Government immediately, who shall attend at the Mould all the daytime during their stay here to prevent any such disorder for the future; that no misunderstanding may happen between us, and if any such disorder should happen, the officer of the Mould shall secure the person or persons and they shall be punished with the utmost severity.

Fourthly—

By the help of God, and if he pleases, these Articles now made between us shall be maintained; to the truth of which We have hereunto set our hands and Seals, in Algier, in the year of the Haggira 1112, and is the account of the Christians August 17th 1700.

Mustapha Dey.
Mustapha Aga.
Ali: Bashaw.

[Note. Pages 22, 23, & 24 of the MS. Council Records, are a duplicate, verbatim, of pages 17, 18, & 19, relating to the Orders of the Court at Hampton, &c., (except the signature "Edward Southwell,") and they are therefore here omitted.—Ed.]

Extract of a Letter from the Secretary, to the Earl of Bellomont, dated the 8th November, 1700.

I am directed by the Lords Commissioners for Trade and Plantations to send your Lordship the Copy of two orders of Council of the 22d October last relating to the Acts of New Hampshire, all which being only for your Lordships information I have nothing to say upon them.

Extract of a letter from the Lords Commissioners for Trade and Plantations to the Earl of Bellomont, dated the 30th October 1700.

The Ship with Timber from New Hampshire for which Mr. Partridge entered into Bond that she should come for England,

being accordingly arrived in Torbay, the merchants concerned therein made application and great complaint to us about that matter; and we, finding thereby that this happens to be the same Ship concerning which his Maj'ty by order in Council of the 9th of May last (whereof we sent you a copy in ours of the 21st June) had directed that she should be permitted to proceed on her voyage to Portugal;—We accordingly represented to their Excellencies our opinion thereupon and send your Lordship also a copy thereof here inclosed. However, as to this trade of Timber from the Plantations to foreign parts, we shall take action further to consider of it.

The Representations that we were preparing upon the Acts of the Genll Assembly of New Hampshire having been laid before their Excellencies, we send you copies thereof here inclosed, to which we refer ourselves for the reasons for what we have therein offered, and when we receive Orders thereupon, they shall be transmitted to you that they may be observed.

We desire your Lordship to be mindful of his Maj'tys Instruction for sending home yearly accounts of the Arms, Ammunition and Stores remaining in his [p. 28.] Maj'tys Magazines and Garrisons in the several Provinces under your Government, and to take care that those accts be regularly transmitted as his Maj'ty has ordered.

We also desire your Lordpp (as we shall do the Govenrs of all his Maj'tys other Plantations respectively) that a memorandum be entered upon the Council Books of all your Governments to caution them, that whenever any those Governments by the death, absence or removal of a Governr or Lt. Governr immediately commissioned by his Maj'ty comes to devolve upon a President and the Council of any of those Plantations or Governments, such President and Council do forbear to pass any Acts but such as are immediately necessary for the peace and welfare of any of the respective Governments, without his Maj'tys express order for that purpose.

Copy of a letter from the Lords Com'rs for Trade and Plantations, to the Earl of Bellomont. Dated the 3d December 1700.

We send you here inclosed a copy of an Agreement lately made by Capt. Munden and Consul Cole with the Government of Algiers, by which all English Merchant Ships are exempted from being molested by the Algerines on account of their not having Passes until the end of September 1701: but after that time (if not provided with such Passes) will be liable to be carried up to Algiers and have their Loading confiscated.

And we desire you thereupon to take care that due notice be given thereof in yr Governments that all persons concerned may thereby have opportunity to provide themselves with Admiralty Passes for their security in that occasion, according to the Instructions that have not long since been sent to you by the Lords Commissioners of the Admiralty with Passes to be distributed accord-

ingly. And in case you find occasion for [p. 29.] a greater number of Passes than you have yet received you will do well to apply y^r^self in time to the Lords of the Admiralty that you may be accordingly furnished with them. So we bid you heartily farewell.

Your very loving friends,

STAMFORD,
LEXINGTON,
PH. MEADOWS,
JOHN POLLEXFEN,
ABR. HILL,
GEO. STEPNEY,
MAT. PRIOR.

[Prov. Rec. B. II. p. 235.]

Extract from the Lords of the Council of Trade's letter of the 21st June, 1700, to the E. of Bellomont.

His Majesty having been informed by the consul at Algier, that the Dey of that Government had declared to him their resolution to direct their crusiers to require Admiralty passes, pursuant to the Treaty with them in 1682, from all the ships of his Majestys subjects that they should meet with in and after the month of September next;—and, it being apprehended that they may cruise in the way of our Plantations' trade more than they have formerly done, so that all ships not only to, but from, England thither, but also from one plantation to another will need to be provided therewith; Care has been taken here for preparing of passes and regulating the distribution thereof in the Plantations with all possible diligence; in which we have done our part: We doubt not but you will accordingly receive both passes and rules relating thereunto for the security of the trade of his Majesty's subjects in the Provinces under your Government from the Lords of the Admiralty: And that your Lordship may be more fully informed of what the Algerines expect, we send you here indorsed the copies of the Dey of Algiers letter to his Majesty, of the 14th April, 1699, and of the Consul's letter of the 13th April, 1700.

[Prov. Rec. B. II. p. 234.]

Letter to Gov. Bellomont relating to Passes.

Admiralty Office, 21st June, 1700.

My Lord,

Your Lordship will herewith receive 2 boxes containing 1000 passes to be disposed of as the inclosed instructions from my

Lords of the Admiralty direct, for securing ships and vessels of his Majesty's subjects from the Algerines; and for your better guidance how to fill up the blanks in the said passes, I send you one of them filled up for a sample.

Your Lordship will also receive in the box with the passes, 1000 oaths and 1000 bonds, some of which oaths are for English built ships, and the rest for foreign built ships made free, and part of the bonds are for ships trading coast-wise in the plantations; the others for such as trade from the plantations to Europe. Samples of which oaths and bonds with the blanks filled up, I send you for your guidance in the doing thereof, before you fill up or deliver the pass.

And whereas your Lordship will find by the said instructions that a registry must be sent to this office of all passes delivered out by you, I send you likewise a scheme showing in what manner the said registry is to be kept.

And your Lordship being directed by the other order of my Lords of the Admiralty that come indorsed, to secure a fitting number of those passes and bonds for your own Government, and then to distribute the rest to the respective places mentioned in the margin,* I desire you will please at the same time to send the packets also that come herewith to the said places respectively, and that you will own the receipt hereof, and let me know how you dispose of the passes.

I am, my Lord, your Lordships most
humble servant
J. Burchett.

Ld. Bellomont, Govr of New England.

Letter to Gov. Bellomont relating to Timber.

[p. 30.] Right trusty and right well beloved Cousin—we greet you well.

Whereas we have been informed that great spoils are daily committed in the woods of New Hampshire and Province of Maine, and other parts within our Governm^t of the Massachusetts Bay, by cutting down and converting to private uses such Trees as are or may be proper for the service of our Royall Navy, and it being necessary that all practices which tend so evidently to deprive us of those supplies be effectually restrained:

Our Will and Pleasure is that upon consideration of the occasions of such abuses, the methods by which they are carried on, and the inconveniences that attend them, you use your endeavors, with Our respective Councils and the General Assemblies of the Massachusetts Bay and of New Hampshire, to dispose them to pass Acts for preventing the further spoils of those woods, and

* Virginia, Maryland, Carolina, Pensilvania, East and West New Jersey, Connecticut, Rhode Island.

for preserving a Nursery of such trees as may be useful for our service; and in case you cannot prevail with them to pass Acts proper and sufficient for those purposes, that you send over hither the heads of such a Bill as may be effectual for those ends, and fit to be enacted here. Soe We bid you heartily farewell.

Given at our Court at Hampton Court, the 19th day of January 1700-1, in the twelfth year of Our Reign.

By his Majestys Command,

JAMES VERNON.

Draught of a Letter for
his Maj'tys signature to
the Earl of Bellomont, about
preserving his Maj'tys
Timber in New England.
Dated the 9th January 1700-1.

[P. 31.]

Copy of his Majestys Letter to the Earl of Bellomont, relating to Accessories in case of Piracies beyond the Seas, February 2d 1700-1.

Right trusty and right well-beloved Cousin—We greet you well:

Whereas by Our letters bearing date the 10th Feb'ry, 1699-1700 we thought fit to give you several directions relating to the trial of Pirates in Our Province of New York, and whereas an Act of Parliament is since passed for the more effectual suppression of Piracy, pursuant to which a Commission under the Great Seal of England has been also sent you, impowering you and others to proceede accordingly in reference to Our said Province, and to Our Province of East and West New Jersey and Our Colony of Connecticut,

Our Will and Pleasure is that notwithstanding anything contained in Our aforesaid letters of the 10th of Feb'ry 1699-1700 you henceforward take care to Govern yourself in matters relating to Pirates according to the intent of the Act of Parliament and Commission aforementioned.

But whereas Accessories in cases of Piracies beyond the Seas are by the said Acts left to be tried in England according to the Statutes of the 28th of King Henry, the 8th, We do hereby further direct & require you to send all such Accessories in cases of Piracy in Our aforesaid Provinces of New York, the East and West New Jerseys and our Colony of Connecticutt with the proper Evidences, that you may have against ym into England in order to their being tried here.

And you are to give notice of Our Pleasure herein to our Provinces of East and West New Jersey and to the Governor and Company of the Colony of Connecticutt, that they may conform themselves thereunto. So we bid you heartily farewell.

Given at Our Court at Kensington the 2d day of February, 1700-1, In the twelfth year of our Reign.

By his Majesty's Command.

[p. 32.]

Extract of a letter from the Lords Commissioners for Trade and Plantatious to the Earl of Bellomont dated the 11*th of February*, 1700-1.

On the 10th of the last month we laid before his Maj'sty a Representation relating to the state of the Forts and Fortifications on the continent of America, and we send you here inclosed a copy thereof, as likewise of our Letter to Mr. Secretary Vernon on the same subject. You will by them perceive what wee offered in relation to all yor Governments, and more particularly in order to the further defense and security of New York; and his Maj'sty having thereupon been pleased to approve and sign the Letters that we had prepared for yourself with respect to your several Governments, and for the respective Governors and Governments of Rhode Island, Connecticut, Pensylvania, Marriland and Virginia, we send you here enclosed all his Maj'tys said Letters; and because they are sealed, we send you likewise copies of those which are not for yrself, that in sending them forwards you may better know what to write along with each of them.

With these we also send you another letter from his Maj'ty relating to the preservation of Timber in the Province of New Hampshire, which his Majs'ty was pleased to direct us to draw in pursuance of our Representations on that subject; whereof we sent you a copy in our letter of the 30th of October last.

We writ you formerly about sending the Acts of General Assembly which [p. 33.] concern private persons, under distinct Seals, without fastening them to those that are of a public import. And we now add, that we think there would be a conveniency in sending all public Acts also in the same manner, each of them under a seperate Seal. Provided still, that they be either writ or printed in such a forme that they may conveniently be bound up in Volume as there shall be occasion, which method we desire therefore may be observed in all yor Governments.

The Commissions for trying of Pirates in his Maj'tys Plantations pursuant to the late Act of Parliament for the more effectual suppression of Piracy, having been brought to us the 24th of the last month; we did on the 27th commit those which concern your Lordship as Governr of New York and New England, to the care of Mr. Champante.

And in further reference to both these Commissions, we now

here send you inclosed his Maj'tys letters relating to Accessories in cases of Piracy beyond the Seas, who are not to be tried by the said Commissioners.

[P. 34.]

Copy of an Order of Council of the 24th April 1701, *upon a Report of the Lords Commissioners for Trade and Plantations relating to Mr. Allen's Appeals.*

At the Court at Kensington, the 24th day of April, 1701.

The Kings Most Excellent Majesty in Council.

Upon reading this day at the Board a Representation from the Lords Commiss^rs of Trade and Plantations on the petition of Samuel Allen, Esq., Proprietor of the Colony of New Hampshire humbly praying to be admitted to appeal to his Maj'sty in Council from a Verdict and Judgment given against him in the Superior Court of Judicature, of New Hampshire, the 13th day of August 1700, in favor of Richard Waldron, touching the Petitioners Right as Proprietor to certain Quit Rents of land in the said Colony, his Majesty in council is pleased to approve of the said Representation and accordingly to order, as it is hereby ordered, that the Petitioner, Samuel Allen be admitted to Appeal from the said Verdict and Judgment given against him in the Superior Court of Judicature of New Hampshire, the 13th day of August 1700, in favor of the said Richard Waldron; the petitioner first giving security to prosecute the said Appeal in order to be heard before this Board, the first Council [P. 35.] day in December next, and to abide by his Maj'tys determination in Council therein.

And his Maj'ty is further pleased to order that authentic copies of all proceedings in the said Superior Court of Judicature, in the petitioners case, be transmitted to this Board under the Seal of New Hampshire for his Maj'tys better information herein.

And the Governor, Lt. Governor, or Commander-in-Chiefe of New Hampshire, and all others whom it may concern are to take notice hereof, and to govern themselves accordingly.

EDWARD SOUTHWELL.

[P. 36.]

Extract of a letter from the Lords Comm'rs for Trade and Plantations, dated the 29th of April 1701, *to the Earl of Bellomont.*

As for Masts, Timber &c. to be had in New Hampshire, in order wherennto yor Lordship conceives the Trade from thence to Spain and Portugal ought to be prohibited, having had occasion to lay some matters before the House of Commons, we have offered that amongst other things to their consideration.

The appeal that your Lordship had heard was refused in New Hampshire, has occasioned a petition to His Maj'sty which is now under Our consideration. We hear nothing yet of that appeal you mention to have been refused in the Massachusetts Bay.

But this declining to admit Appeals to his Maj'ty in Council, is a matter that you ought very carefully to watch against in all your Governments. It is a humour that prevails so much in Proprieties and Charter Colonies, and the Independency they thirst after is now so notorious, that it has been thought fit those considerations, together with other objections ag^t these Colonies should be laid before the Parliament; and a bill has thereupon been brought into the House of Lords for Reuniting the right of Government in their Colonies to the Crown.

As to Mr. Allens Claim to ye Province of New Hampshire (mentioned also in the same Letters) that is a point of Law which has been formerly made the consideration of two Chief Justices of England; and a Report having [p. 37.] been made thereon we cannot meddle in it, but the forementioned Appeal which is desired by him from a late sentence of the Superior Court of New Hampshire, will probably bring that matter again under consideration and occasion some positive settlement in it.

We hope that Com^s for trying of Pirates lately sent to all the Plantations will tend effectually to their extirpation; and the Proclamation of the 6th of March last which we send you here inclosed will also have a good effect; however a constant watchfulness ag^st Piracyes, and all manner of illegal trade will be always necessary.

As to Piracyes, we send you likewise here inclosed the copy of his Maj'tys letter to you of the 14th inst. sent by Mr. Larkin, one versed in the forms of Admiralty Courts, and appointed by his Maj'ty to carry duplicates of those Commissions to all places where they are to be executed: who goes first to New Found Land, and will from thence take his passage to New England and so forwards through all the Plantations, in order to the settling of those forms according to the Instructions that have been given him for that purpose.

Diverse complaints have been laid before us of irregularities in the Courts of Chancery in his Maj'tys Plantations; and amongst the rest, that in some places the Governors and the members of the respective Councils who compose those Courts, do sit and act therein without taking any Oath to do equal and impartial Justice between parties concerned in the Causes that shall come before them.

Wee have thought fit hereby to direct [p. 38.] you (as we do other Governors) that in case there have been any neglect of this kind in any of your Governments, you forthwith take care to remedy the same as your Commission impowers you, by your taking, in the first place a proper Oath for that purpose and afterward administering the like Oath to the members of the Court of Chancery in that Province, where you shall be presiding at the receipt of this letter; and by your further directing the Lt. Governors of his Maj'tys other Provinces, under yor Government, immediately to take the like care in each place respectively.

PAPERS

Relating to the Earl of Bellomont's Administration, so far as respects New Hampshire:

COPIED FROM DOCUMENTS OF THE COLONIAL HISTORY OF NEW YORK.

[Note.—The following Papers are of much value as casting light upon our Provincial history during the period of Bellomont's Administration.—Ed.]

[N. Y. Col. MSS., Vol. IV., p. 261.]

Duke of Shrewsbury to the Lords of Trade.

My Lords.

The King has been pleased to appoint the Earl of Bellomont to be Governor of the Provinces of New Yorke, Massachusets Bay and New Hampshire and to be Captaine Generall during the War, of all His Majestys forces both there and in Connecticutt, Rhode Island and the Jerseys; which I signifie to your Lordships by His Majestys directions that you may give orders to have his severall Commissions and instructions prepared accordingly.

I am, My Lords,

Your Lordships most humble Servt.

SHREWSBURY.

Whitehall,
16 March 1696-7.
To the Lords of the Council of Trade and Plantations.

[Vol. V., p. 314.]

Earl of Bellomont to the Lords of Trade. To the Right Honble the Lords Commissioners of Councill of Trade and Plantations.

My Lords.

"I am glad your Lordships are pleased to renew your orders for the carrying on the good design of furnishing naval stores from New Hampshire for the use of His Majesty's Navy, which I shall obey with a great deal of pleasure, though that design have

hitherto been obstructed by some cross accidents. I do not for all that despair of its succeeding well and answering His Majesties glorious ends, for the advantage of England, and your Lordships great care for its encouragement. A foolish and unhappy parcimony in the surveyors, Mr. Bridger, Mr. Furzer and Mr. Jackson, the two first appointed by the Admiralty and Navy Wards, and the latter by Sir Henry Ashurst, to make survey of the woods, and other conveniencies, in these His Maj^ties^ territories for Naval Stores, has been the occasion of great disappointment and losse of time in that affair. They were ship'd on board the Deptford, by an order of the Admiralty, of their procuring, and so were forced to Barbados where Mr. Furzer and Bridger fell sick of the Feaver three or four days before I left Barbados, contracted by a debauch they made; Mr. Furzer dyed, who I believe was the best of the two, but Mr. Bridger recovered, followed me hither, and I have sent him to Boston with a letter earnestly recommending him and the design he is imployed in, to their effectual kindness and furtherance, a copy whereof I now send your Lordships. Mr. Jackson is still here upon some businesse, but is to follow Mr. Bridger in a day or two; my letter is directed to the Lieut. Govr Councill and Assembly, and will go to them in a fit juncture of time, because the Assembly of that province are now sitting. One thing I am apprehensive may somewhat obstruct the progress of this design for the present though the Govern^t^ of Massachusetts Bay were well affected to it, and that is the Eastern Indians being still in warr with the English of that province (as by a copy of Mr. Usher's letter to me your Lord^ps^ will see) it will be very expensive for the Province of Massachusetts to maintain a sufficient Guard for the Surveyors, but if they require it of me, I'll furnish them with forty or fifty soldiers from this and the other garrisons in this province. I am told this Country is much fitter for producing of Hemp and Flax, than that about Boston, and some persons have been talking to me of encouraging by an act of Assembly, the propagation thereof; but day labour is so excessively dear in this Country, that I am jealous it will never do so well here as in Ireland; however I will give such a design all the Countenance I can, that His Majesty may be certain of being supplyed with those species here, if he should miss of them else in his own Dominions.

I shall God willing go to Albany about a month hence, when the Assembly have ended their session, where the Five Nations of Indians are appointed to meet me, and I will try to engage them to fall upon the Eastern Indians that infest the inhabitants of New

Hampshire and Massachusetts Bay, if I be not informed in the meantime that those Indians have ceased their hostilities."

I am with respect

My Lords,

Your Lordships most faithful humble servant,

BELLOMONT.

New York, 25 May, 1698.

[N. Y. Col. MSS., Vol. IV., pp. 438-9.]

Earl of Bellomont to the Lords of Trade. To the Right Honourable to the Lords Commissioners for Trade and Plantations.

My Lords.

"There goes also another Address (No. 4) from the Council and Assembly of New Hampshire, which will show your Lordships what mischief Colonel Allen is doing in that Province. He is, it seems, turning people out of their properties without processe at law and so distracts the people there, that I fear the provision of Navall Stores for the King will suffer an interruption, which otherwise Mr. Partridge who is now here with me, gives all possible assurance of its succeeding to all our desires, so far as relates to timber of all sorts, masts, pitch and tar. As for hemp he has no hopes of that there; and I formerly wrot my thoughts of hemp and flax as fitter productions for the soil of Ireland and to be manufactured there where labour is cheaper three-fourths than 'tis here, or in New Hampshire. I do not take the account I now write of Colonel Allen upon trust from Mr. Partridge, tho' Partridge have a fair character, for I have the same account from two or three indifferent hands besides."

I am with respect, My Lords,

Your Lordships most humble and obedient servant

BELLOMONT.

New Yorke,

December the 14th 1698.

[N. Y. Col. MSS., Vol. IV., p. 536.]

Earl of Bellomont to the Lords of Trade. To the Right Honourable the Lords Commissioners for Trade and Plantations.

My Lords,

"I am next Thursday to go to New Hampshire to take that government upon me, where I propose staying about three weeks, and will, if my health will allow it visit the very utmost bounds of the King's territory to the East and joyning upon Accadie, which the French have unfortunately got from the Crown, thanks to good King Charles the 1st. Tis called St. Georges River[1] and lyes about 25 leagues eastward of Pescataqua. At my return hither I shall make but a week's stay and shall then go to Rhode Island to execute a commission from his Majesty sent me by Mr. Secretary Vernon to inquire into the severall misdomeanours alledged to have been committed by the government of that Island."

Boston,
July 22d 1699.

[N. Y. Col. MSS., p. 519.]

Earl of Bellomont to the Lords of Trade. To the Right Honourable the Lords Commissioners for Trade and Plantations—

My Lords.

"Colonel Romar the Engineer was gon to Boston to get a passage from thence to England; but upon your orders I have stopt him, and since I am suddenly to goe thither, I have wrote to him to view the fort on the Island which commands the harbour at Boston, and from thence to goe to Piscataqua in New Hampshire, and thence to Pemaquid and take the plans of all the three forts and make such observations as will be proper, of their situations, importance, and what the charge may be of building good substantiall forts, and this to the end I may be able to informe your Lordships fully of those matters hereafter."

New Yorke,
May the 15th 1699.

[N. Y. Col. MSS., p. 617.]

Lieutenant Governor Partridge to the Earl of Bellomont.

Portsmouth the 20th Febry 99.

May it please your Excellency.

There has nothing of late occured worthy Your Excellcys notice till yesterday Captn John Tuttle of Dover with some other the Inhabitants thereof came to me with an information that the Indians late conversant at Cochecha were suddainly withdrawn according to the information here inclosed.

These Indians of late have been observed to visit most of the inhabitants that live in Dover and narrowly view their houses, and by their whole carriage given occasion of suspicion that they design mischiefe against us.

The Indians that have appeared at Cochecha and not known to the inhabitants there, do generally call themselves Albany Indians, but 'tis believed they are both Albany and Eastern Indians.

I thought it my duty to give your Excell^cy this an account by an express, and pray Your Excell^cys direction herein; in the mean time I have ordered watches and wards to be kept in the out towns to prevent a surprise but so that if any Indians still come in they may be treated as before without discovering any thing of our suspicion of them. I give Your Excell^cy no further trouble at present, but crave leave to subscribe

May it please Your Excellency Your most humble and obedient servant—

WM. PARTRIDGE.

[N. Y. Col. MSS., pp. 645-6-7.]

Earl of Bellomont to the Lords of Trade. To the Right Honourable the Lords Commissioners for Trade & Plantations.

My Lords—

"Mr. Partridge notwithstanding my admonitions to him not to suffer any ship timber to be cut, and carryed from Pescattaway till the Kings pleasure were first knowen in that matter, has not only consented to a ship's loading ship timber and masts in that harbour, but is now actually loading a great ship of his own of about 350 ton with principall ship timber for Portugal. The noise too of the profitable voyage he formerly made thither with ship timber, has so encouraged others to do the like, that I am newly informed of one Major Davison who is said to be loading a ship at Newberry in this Province with that sort of timber for Portugal. I believe your Lordships will not approve of this trade for many reasons, but 'tis very unlucky that I am so long without your orders therein. I doubt not to make it appear, that it is to the full as great prejudice to England to imbezle the Timber growing in New Hampshire, as it would be to imbezle that which grows in New Forest in England, which I shall have occasion in my next letter to prove.

"Rear Admiral Benbow will give your Lordships an Account (if call'd on) what a vast prejudice the destruction of the woods

in New Hampshire does the King and Kingdoms, he saw a quantity of noble timber for ships brought to Pescattaway by Mr. Partridge to be sent to Portugal in his great ship.

I am with respect
My Lords
Your Lordships most
humble & obedient sevt
BELLOMONT.

Boston, the 25th May 1700.

[N. Y. Col. MSS., Vol. IV. p. 664.]

Earl of Bellomont to the Commissioners of Customs.

Boston 28 May, 1700.

Gentlemen.

"Mr. Eastwick the late Navall Officer of New Hampshire being dead, I have appointed Mr. Robert Armstrong to succeed him, who is well recommended to me from England; the persons bound for him are substantiall merchants of this place, whose bond is 1000£; I herewith send you."

I am with much esteem,
Gentlemen,
Your most humble and
faithfull servant
BELLOMONT.

[N. Y. Col. MSS., Vol. IV., pp. 668–679.]

Earl of Bellomont to the Lords of Trade. To the Right Honourable the Lords Commissioners for Trade and Plantations.

[Extract.]

My Lords.

"I have further to acquaint you, that I am more confirmed than I was, of the certainty of making Tar to serve the King and all his Dominions; being assured by several hands that 'tis a thing of great yield or produce, where there are a number of hands to assist one another. If Mr. Bridger may be credited, who has made some Tar in New Hampshire, and sent it to England with the other specimens a number of men will with ease make a barrel of Tar a day all the year round for each man's share which is 37 ton and 6 barrels of tar, the yearly produce of each man's labour; at which rate 600 soldiers will make 22650 ton of tar in a year, which

is so vast a quantity, that one would think it would more than suffice for all the King's Dominions yearly ; yet the making pitch will cause great diminution of the tar.

I am told that at present all Naval Stores [p. 670.] which we have from Sweden and Denmark, are paid for with ready mony, carried in specie from England, which some merchants have assured me is above a 100,000£ per annum, whereas I would undertake to pay for all the Naval Stores from New Yorke and New Hampshire with the manufactures of England.

I have been very particular in the foregoing account, about making tar, because I would gladly explain every part of it to your Lordships; and I hope what I have now to writ, will satisfie you of its being practicable beyond dispute or contradiction. I will now sum up the advantages which will accrue to England from this performance.

1st. It will take off the charge of the forces, the King would otherwise be obliged to keep in his pay, to defend the Provinces of New York and New Hampshire, against the French and their Indians, which in time of war cannot be less than a 1000 men, to defend them as they ought to be defended: and let it be considered too, that the securing of them, is in a great measure securing all the Plantations on this Continent.

2ly It will save the King and his Dominions near half the mony that's laid out at present for tar, pitch, turpentine and rozen.

3ly If it be true that above a 100,000£ in specie is exported every year out of England, by the Eastland Merchants, that sume of mony which is a very great one, (and is entirely sunk and lost to the Nation by never returning) will not only by this design be kept within the nation for the time to come, but it will also be the undoubted means of a very considerable additional export and consumption of our English manufactures, so that the advantage will be double, by saving so great a sume of mony which was carried out of the Nation before, and by turning that loss into profitt to England, in the increase of the Exports of our Manufactures as I just now said.

5thly But the greatest advantage of all is yet to come, which is, that the King and all his Dominions will be furnish'd with Naval Stores from his own territory, by which means that most important trade, (without which England could not subsist) will no longer be precarious.

The advantages that will redound to England by a right use of these Plantations, are infinite and inestimable, not only tar and pitch, turpentine, oyle of turpentine and rozen, will be furnished,

but also the deal boards, masts, yards & bowsprits, and all the larger sorts of ship timber for the King and all his Dominions: and taking one thing with another, I can demonstrate that all these commodities I have now named will be afforded cheaper to England, than they now are from forreign Countries. Deal Boards are what will turn to least account of any of the Commodities I have enumerated, yet a vessell wholly laden with them would make a saving voyage from these Plantations to England. The Deals brought from Norway are sold by tale, that is by the hundred, and the price is from 3£ 10s, to 5£ the hundred, their length from 10 to 12 foot, their breadth from 10 to 12 inches. In New Hampshire they sell their boards by the 1000 foot, 22 shillings per 1000 is the present price for such deale, the boards are rarely under 25 foot in length, and from 15 to 18 inches in breadth, and more free from knots than the Norway boards are, as they tell me here; when the deals are 2 inches thick they call 'em plank, and their rule is, to double their price, as the thickness of the board or plank doubles; for 2 inch deale they have £2. 4s per 1000 foot, and for 3 inch deale £3. 6s, and the advantages to the merchant or fraghter will be chiefly in the 2 and 3 inch deal plank for the decks of ships, and such plank as they saw in New Hampshire of 36 foot long and two foot broad, and upon occasion they can furnish plank that's longer and broader than even that.
[p. 672.]

I desired Mr. Bridger to give me the prices of the principall ship timber, (as sold in the King's Yard at Portsmouth, where he serv'd his time) which are contained in the paper (marked F) but he told me he had put very moderate prices on the several sorts. And for instance he told me he had known 5 shillings per foot paid for great standards for a first and second rate man of war, which would be £15 per load, yet he has set down by £7 10s, per load in his said paper, which is but half a crown a foot. At the end of his memorial (marked D.) which answers my queres, he undertakes to save the King 2930£ 19s, in every ship load of masts, of what is paid to Mr. Taylor, and a ship making two voyages in a year from Pescattaway to England, the King will gain 5861£ 18s sterling, & two such ships of his own will gain him 11723£ 16s every year if the Navy will require so many masts.

That the masts, yards and bowsprits for the King's ships will be best and cheapest carryed home in ships of the King's own, is very clear and manifest. And I believe I shall as easily make it appear that the great and principal ship timber for building his ships of war, vizt beams, planks and compass timber (taking one

sort with another) will be sent home in the King's own ships, for very near half the prices those sorts of timber cost the King at this time in his yards. Mr. Bridger has estimated the building a hagboat in his said memorial (mark'd D.) and therein in his answer to my second quere, at 5625£ New England mony, the said hagboat to be of 500 ton, which said sume is over 4000 sterling, by Mr. Bridger's computation 600£ New England mony (which is no more than 420£ sterling) will purchase a load of ship timber, that in the King's yards in England will be worth 2000 sterling. And by Mr. Partridge's computation, the said cargo or load of ship timber will be worth 2500£ sterling in the King's yards. Mr. Bridger ought to be the better builder, but Mr. Partridge has had more experience in shipping and selling that sort of timber, but taking it at either of their estimates, 'tis plain 'twill be worth while for the King to carry home his principal ship timber, from New Hampshire in ships of his own; and a ship will make two returns in a year, between Pescattaway and England. The paper (marked G. G.) is an estimate by Capt. Belcher (an experienc'd man in those matters of this town) of the charge of wages, victualls, and wear and tear of a ship of 500 Ton.

[P. 673.]

I veryly believe all the Eastland Trade (except for flax and hemp) may be turn'd to these Plantations; and more than that, All the masts and scarcer sorts of ship timber for the use of all England, and the rest of the Dominions of the Crown, will be furnished from these Plantations cheaper than they now sell in England, taking one with another. And with a good regulation here will be a lasting store of all these things to the end of the world. This Province and New York abound with excellent ship timber of all sorts, and so does Conecticut Colony as well as New Hampshire.

And now my Lords I appeal to your Lordships whether the use and advantage I have propos'd by these Plantations to England, be not preferable to the selling almost all the lands in the Province of New York to Coll. Fletcher, and all New Hampshire, and a great part of this Province to Coll. Allen. I call it selling the lands of New York to Fletcher, because that whoever contrived that clause in his Instructions, which gave him an unlimited power in the disposition of those lands (and that directly contrary to precedent in other Governors Instructions) may be truly said to sell those lands, and therein to betray the King and Kingdom in a very high degree. I also call it selling New Hampshire and a great part of this Province to Coll. Allen, for that Mason under

whom Coll. Allen claims had no opinion of his own title, is very plain having offered to sell it for a 100£, as Coll. Pinchon's Deposition does so far make out, as to satisfie any indifferent man of the truth of it; tho' it would not be allow'd a direct proof in law, because the offer was not made by Mr. Mason himself, but by a third hand, viz Doctor Owen a Presbiterian Minister. Then for Coll. Allen's title I send your Lordship's Coll. Hutchinson's Deposition, tied up with Coll. Pinchon's, they are both members of His Majesty's Council of this Province, and both of good reputation and substance. I have reason above other men to believe Coll. Allen's title is insufficient & defective, having been much urg'd to be brib'd, to favour his claim and pretention. There was an offer made me of 10,000£ in mony, and that Coll. Allen should divide the Province of New Hampshire with me; but I thanke God I had not the least tempting thought to accept of the offer, and I hope nothing in this World will ever be able to tempt me, to betray England in the least degree. This offer was made me three or four several times; and I am able to swear to time and place, and besides I have some letters from a certain man that mention enough of the matter to corroberate my own Testimony. I presume your Lordships will not have the better opinion of Coll. Allen's title, for the easy terms on which I might have come in for an equall share, or dividend with him, of that whole Country. I will make it appear that the lands and woods claim'd by Col. Allen are much more valuable than ten of the biggest estates in England, and I will sale those ten estates at 300,000£ apiece one with another which is 3 millions. By his own confession to me at Pescattaway last summer, he valu'd the Quit Rents of his lands (as he calls 'em) at 22,000£ per annum, at 3d per acre, or 6d in the pound of all the improv'd Rents; then I leave your Lordships to judge what an immense estate the impro'd rents must be, which (if his title be allow'd) he has as good a right to, as to the foremention'd Quit Rents. And all this besides the Woods, which I believe he might very well value at half the worth of the lands. There never was I believe since the world began so great a bargain as Allen has had of Mason, if it be allow'd to stand good, that all this vast estate I have been naming should be purchased for a poor 250£, and that a desperate debt too, as Coll. Allen thought, as per Coll. Hutchinson's Deposition aforesaid appears. This I thought my duty to acquaint your Lordships of, that you take such timely order therein, as to your Lordships wisdom shall seem proper. The consequence of Coll. Allen's claim, may prove highly prejudicial to England, he pretends to a great part of this

Province; as far Westward as Cape St. Ann, which is said to take in 17 of the best towns in this Province next to Boston, the best improv'd land, and (I think Coll. Allen told me) 8 or 900,000 acres of their land. If Coll. Allen shall at any time goe about to make a forcible Entry on these lands he pretends to, (for to be sure the people will never turn tenants to him willingly) the present occupants will resist him and any force he shall bring, and the Province will be put into a combustion, and what may be the consequence of it I dread to think. Besides that, I fear in such a combustion all these Plantations would hold together, and take fire like a train from one end to t'other, I believe it would provoke the patientest of us all that after 50 or 60 years peaceable possession of an Estate in this Province, improv'd by our Fathers and our own industry, such a proprietor as Coll. Allen should drop out of the Clouds to oust us, as they Lawyers call it.

[p. 674.] "Tis most amazing to me how dust has been thrown so many years together formerly in the eyes of the King and the Nation, that the value of these Plantations to England has not been seen into. I will make it appear undenyably, that by a right management of these Plantations England shall imploy a 1000 stout ships of burthen and 20,000 seamen more than she now imploys, and besides other advantages these Plantations shall be forever secured in a dependence on the Crown, but more of this in another letter which I will shortly trouble your Lordships with, and which shall impart some observations of mine, on the Trade of these Provinces under my Government.

"A person in this town tells me he had advice from England that the Eastland Merchants began to be allarm'd at the talk that has been of late in London, of furnishing Naval Stores from these Plantations; and that it was believ'd they would oppose that design as much as in them lay. And also the specimens of tar and ship timber sent to England by Mr. Bridger from New Hampshire were not without Enemies that decry'd and rune them down; but your Lordship's wisdom and integrity will easily stem all sinister defamations.

"'Tis highly necessary and reasonable your Lordships should prevent the intended cozenage of the Crown, in the countenance given to Gov. Allen's claim. I think I have sufficiently demonstrated the value that the lands and woods would be to a private man, but he would be a bold man that would estimate the value they would be to the Crown, for I take them to be above value or inestimable. And in plain English 'tis abominable that the Crown should be defrauded of the lands and woods in the Provinces of

New York and New Hampshire; and an Act of Parliament ought to pass, for the vacating all extravagant of lands by Fletcher, in the Province of New York and of all other Governors, and to put all those lands under a good regulation: The same Act also should vacate Coll. Allen's pretended title, and vest all the lands in New Hampshire in the Crown, with a saving for all the inhabitants for their lands which they have improv'd, paying a reasonable yearly Quit Rent to the Crown.

[P. 675.] "The wast of the woods in New Hampshire has been, and still is so very great, that Mr. Bridger assures me they are forc'd to go 20 miles up into the Country to get a good mast for the use of the Navy. I am told the inhabitants of New Hampshire, have taken in what tracts of land and woods they pleas'd, to which they have no better title than Coll. Allen has. I hope there will be a strickt inquisition into that, and that none of 'em shall be allowed any property in the woods, otherwise than as a common tenant right, vizt. fire-boot,[1] hedge-boot,[2] and house and plough-boot.[3] For there must be, in my opinion, such a course taken, as that all the King's subjects shall be allow'd to cut and carry away, such timber as they shall have occasion for, and that gratis, they to pay for the labor of cutting and carrying away only, but not for the timber, because that would discourage, and frustrate this good design, they should only pay for the planting of 4 or 5 young trees in the room of that cut down. And there ought to be a restraint on all persons on pain of paying a good fine, not to cut any tree that is mark'd for the use of the Navy.

[P. 678.]

"Mr. Bridger tells me he has strip'd about 8000 pitch pines to make tar of, and some malicious people have gone and set fire to the woods, where those trees stood, and have burnt 'em down, his Memorial is (mark'd S.) Having signified by letter to Mr. Partridge, that I would not suffer him by any means to carry a ship load of timber to Portugall, and that I would send the King's ship to wait his loading his ship, who should have orders from me to seize and send her away when laden, to the King; he made a journey hither t'other day, and I have accepted of his bond in £3000, that his ship shall saile directly to England, where she shall give your Lordships notice of her arrival, and the King preemption of her load of ship timber at the market rates. This I thought absolutely the best way to secure the timber, since your

(1) *Fire boot or botele*—An allowance of fuel to which a tenant is entitled. (2) Wood for repairing hedges. (3) Wood sufficient for fuel and repairs of house; and for instruments of husbandry.—*Web. Dic.*

Lordships have not sent me any orders upon my former letter on that subject, and about the wast committed in the woods of New Hampshire. The copy of Mr. Partridges bond is (mark'd T.) The original bond I will send your Lordships by the frigot when she goes home, being unwilling to venture it by this ship. I am told there never was nobler ship timber seen, than this which Mr. Partridge has provided for Portugall, and I hope your Lordships will take such a course as that the King may not miss of it.

"Mr. Partridge's folly in discovering what a proffitable voyage his ship formerly made to Lisbon, of which he crack'd to every body, (viz.) that for less than £300 this mony, he clear'd £1600 in the market he met with in Lisbon, for his ship timber, has set all the country agogg, so that some of the Merchants of Salem are now loading a ship with 12,000 foot of the noblest ship timber that ever were seen in America; 6000 foot of 'em are 4 inch plank and 6000 3 inch, and 45 foot long, and scarce a knot in any of 'em, they were designed also for Portugall, but I have taken such a course, as that the King shall have 'em of the Merchants carrying, or of my sending. I have spoke to one of the owners, and told him I would not suffer any ship timber to be carried to a foreign country; and that he his partners and must resolve either to send their ship and timber to England upon the same terms Mr. Partridge has oblig'd himself to do, or sell the timber to me for the King at the price it stands them in, and the Merchant has promised it shall be so. He own'd to me it was the best plank that ever was seen in America and of such large dimensions that tho' their ship be of 250 ton, she would not carry at most above 2000 foot more of such plank.

"Your Lordships may see by this that vigilance is necessary to a Governor of these Plantations, and what an eternal trouble I am at in contending for the interest of England with the people in my these Governments.

[P. 679.]

"And for a conclusion, I humbly and earnestly recommend the vacating Coll. Allen's pretension to New Hampshire, and all other claim deriv'd from Mason, which with Coll. Fletcher's grants of the lands of New York, are an abomination and mistery of iniquity. Yet I would have the charity done Coll. Allen to reimburse him the £250 mortgage money which Mason had of him. I am with great respect,

My Lords,
Your Lordships,
Most humble & obedient servt.
BELLOMONT.

Boston,
the 22d June, 1700.

Earl of Bellomont to the Lords of the Treasury.
[P. 776.]

"I have laid before the Lords of Council of Trade as exactly as I have been able, a state of the Provinces under my Government. Above all other things I have observed to their Lordships the treachery and corruption of the last Governour of this Province, Collonel Fletcher, in selling almost all the lands and woods in this Province, to nine or ten mean persons, to the unexpressible prejudice of the Crown.

"Likewise will expose the fraud that's endeavored to be put on the Crown in the countenance that's given to Collonel Allen in his claim of all the soil and woods of the whole Province of New Hampshire, and a great part of the Province of Massachusetts Bay. These Plantations are of an unspeakable value to the Crown and should not be suffered to be sold away and betray'd to a few private hands. 'Tis your Lordships' province to see that the lands and woods belonging to the Crown be not purloined and imbezzled, therefore I thought it my duty to give your Lordships this account."

New Yorke }
Nov. 23d, 1700. }

[P. 790.]

"Last April I examined the Registers of all the vessels in the three Provinces of my Government and found there then belonged to the town of Boston 25 ships from a 100 ton to 300; ships about a 100 ton and under, 38. Brigantines 50, Ketches 13, and Sloops 67; in all a 194 vessels; to other towns in that Province there belonged then about 70 vessels of all sorts whereof 11 were ships of good burthen. To New Yorke there then belonged 6 ships above and 8 under a 100 tons; 2 Ketches, 27 brigantines and 81 Sloops. To New Hampshire at that time 11 ships of good burthen, 5 Brigantines, 4 Ketches and 4 Sloops. I believe one may venture to say there are more good vessels belonging to the town of Boston than to all Scotland and Ireland, unless one should reckon the small craft such as herring boats."

"Piscataway in New Hampshire would in some years excell Boston in the fish trade if they were denyed the liberty of carrying ship timber to foreign parts; they are much better seated for the fishing than Boston is.

"Some Merchants at Boston with whom I discours'd sometimes about the trade of that Province and what proportion it carryed with the trade of New York and that of New Hampshire, com-

puted that Boston had four times the trade of New York, and New York four times the trade of New Hampshire; but I afterwards examined the entries and clearing of all the three Custom Houses and found that the trade of New York were almost half as much as that of Boston, and the trade of New Hampshire (except for lumber and about 1300 quintals of fish) not the tenth part of New York, from the 25th of December, 98, to the 25 of December, 99."

[p. 794.]

"I send the copy of Mr Armstrong's letter to me (No 27.) which letter I have newly received. Mr Armstrong is Naval Officer of New Hampshire. You will there find how Mr Partridge the Lt Governor proceeds in the trade of ship timber to Portugal, notwithstanding I sent him a copy of that paragraph in your Lordships letter of the 19th of last April, wherein your Lordships express your dissatisfaction at his being concerned in such trade, and direct me to put all the discouragement upon it that I can, without violation to law. He writ me word he was sorry he had given any offence to your Lordships; which, by what I now perceive he meant as a jeer, since he proceeds to carry on the same trade. I desire your Lordships will consider whether it will not be proper to recommend the passing an Act of Parliament this session to prohibit that trade in all the Plantations, the ill consequence whereof I have already offered your Lordships my thoughts of, and by all means I am humbly of opinion Mr Partridge ought to be remov'd from that station, which is too honorable for him and he no way qualified for it. I could easily send the Frigat that's here, to Piscataway and stop his two ships, but then I shall be lyable to be sued by Partridge and the merchants in London that are his correspondents, since there's no statute to justify me.

[p. 795.]

"I desire your Lordships will please to direct me how I am to behave myself with Mr. Partridge; and it were worth while to dispatch away a small frigat or advice boat with your orders, that they may overtake Partridge's two ships before they sail. We shall never be able to turn a trade to England for ship timber so long as that trade of Mr. Partridge (and of others by his example) is suffer'd to Portugal, where to be sure ship timber must bear a much greater price than in England, because Portugal is not a wooded country. I remember I rebuk'd Sir Henry Ashurst in the Privy Garden at Whitehall for procuring Mr. Partridge to be made Lieut Governor of New Hampshire, who is a carpenter

by trade and a sad weak man. I told him his genius had a strong byass to Carpenter-Governors, for he it was (with Mr Mathew) that got Sir Wm Phipps made Governour of New England."

The Earl of Bellomont to the Lords of Trade.
[p. 825.]

"They have got about 40 saw mills up in this Province, which I hear rids more work or destroys more timber than all the saw mills in New Hampshire. Four saws are the most in New Hampshire that work in one mill, and here is a Dutchman lately come over who is an extraordinary artist at those mills. Mr Livingston told me this last summer he had made him a mill that went with 12 saws. A few such mills will quickly destroy all the woods in the Province at a reasonable distance from them.

"The trade of ship timber from New Hampshire and the Massachusetts, to Spain and Portugal, will go on more and more, till there be an Act of Parliament to forbid and make it penal. For, to use a person's expression that has lately writ to me from Boston about the mischeif of that trade, those people laugh at your Lordship's order against it, and so they would at an order from the King. They know very well that nothing but an English Act of Parliament can hinder them, and such an Act would easily be obtained to pass, I should think."

New Yorke }
Jan. 2d 1700-1 }

"The King to the Earl of Bellomont.
[p. 839.]

The Quota of men to be furnished by His Majesty's respective Plantations on the Continent of America towards the defence of the Frontiers of New Yorke in case they be invaded by an enemy.

	Men.
Massachusetts Bay	350
New Hampshire	40
Rhode Island	48
Connecticut	120
New Yorke	200
East New Jersey	60
West New Jersey	60
Pennsylvania	80
Maryland	160
Virginia	240
	1358

Hampton Court, the 19th day of January 1700-1."

[p. 41.] Province of New Hampshire.

At a Council held at Portsm° the 30th of October, 1701, Ante meridiem.

Present.

The Honble Wm. Partridge, Esq. Lt. Gov.

John Hinks, Nath. Fryer, } Esqs. Robert Elliott, Wm. Vaughan, } Esqs.

Richard Waldron, Esq.

Wm. Attwood, Esq. produced a Commission (dated the 19th day of March in the 13th year of King William's Reigne) to the Board for the constituting and appointing him Judge of the Admiralty of this Province, and the same being read publikely here, the said W^m. Attwood, Esq. took the Oaths appointed by Acts of Parliament instead of the Oaths of Allegiance and Supremacy and repeated and subscribed the Declaration and Association.

Province of New Hampshi^r.

At a Council held at Portsm° on Wednesday the 26th day of November, 1701.

Present.

The Honble Wm. Partridge, Esq. Lieut. Governor.

Robert Elliott Wm. Vaughan } Esqs. Peter Coffin John Gerrish } Esqs.

Richard Waldron, Esq.

Ordered, that Richard Waldron and Theodore Atkinson, Esqs. have accustomed fees paid them for taking ye inquest of two dead bodies found drowned.

Ordered, that a Thanksgiving day be kept throughout this Province on Thursday next come fortnight.

Elisha Bryers Debenter being read, was allowed at this Board being for 72 days attendance upon the Council at 3s per day, am° in the whole to 10£ 16s and ordered to be paid by the Treasurer.

[P. 42.] Province of New Hampshire.

At a Council held at Portsm° the 3d of December, 1701.

Present.

The Honble William Partridge, Esq. Lt. Govern^r.

John Hinkes, Peter Coffin } Esqs. Wm. Vaughan, John Gerrish } Esqs.

Richard Waldron, Esq.

Whereas the Bounds of the several towns in this Province are settled by Law, and no persons are yet appointed to run the Bounds Lines between the said Towns,

Ordered, by the Lt. Govern^r and Council that the men hereafter mentioned are appointed to run the Lines between Town and Town in said Province, with such others as the Selectmen of the sever^ll Towns shall send with them; And to make good and sufficient Bound Trees or Bound marks, and to begin to proceed in soe doing the next Monday, being the eighth day instant, if the season will permit, and soe to continue until the same be finished if the season prevent not; if it doe to take the first opportunity to begin and finish the same as the weather will allow: The men appointed are three in every Town, them or any two of them.

For the town of Portsm° { Major Wm. Vaughan. Capt. Mark Hunkin. Capt. John Pickerin.

For the town of Hampton { Nath. Weare, Esq. Capt. Henry Dow. Ephraim Marston.

For the town of Dover { Capt. John Tuttle. Lt. James Davis. Lt. William Furber.

For the town of Exeter { Mr. Jonathan Wadleigh. Ensign Nicholas Gilman. John Foulsham.

[P. 43.]

For the town of Newcastle { Mr. James Randle. James Leach. Wm. Berry.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o} the 15th day of De^{br}, Anno Domini, 1701.

Present.

Wm. Partridge, Esq. Lt. Governor.

John Hinkes Esq. William Vaughan Esq.

Richard Waldron, Esq.

Whereas complaint is made that two of the persons appointed for Portsmouth to run the Bound lines between the respective Bounds of this Province, and appeared not to do their duty therein.

Ordered, that Mr. William Cotton attend that service, being appointed thereto.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o} the 29th of December, Anno Domini, 1701.

Present.

The Honble Wm. Partridge, Esq. Lieut. Governor.

John Hinkes, Robert Elliott } Esqs. Peter Coffin, Wm. Vaughan } Esqs.

Richard Waldron, Esq.

The Honorable Wm. Partridge, Esq., his Debenter being read at this Board amounting to 4£ 18s, was allowed and ordered to be paid by the Treasurer.

The complaint of Mr. Ichabod Plaisted Deputy Survey^{r} of his Maj'ty's Woods and Timber for said Province, against Jeremiah Gilman, James Gilman, and David Gilman, about cutting down of several trees in said Province not surveyed, contrary to the King's order, was read at y^{s} Board all partys appearing.

[P. 44.] Jeremiah Gilman, James Gilman and David Gil-

man confessed what was alleaged in the said complaint, and submitted themselves to the Govern^{r} and Council.

Ordered that the said three Gilmans pay the charges, being 9£ 3s, and stand committed until they pay the same.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o} on Thursday, the 26th day of February, Anno Domini 1701-2.

Present.

The Honorable Wm. Partridge, Esq. Lieut. Govr.

John Hinkes, Esq. Robert Elliott, Esq.

Wm. Vaughan, Esq.

Ordered, that Major Wm. Vaughan issue forth his orders to Capt. Peter Coffin of Exeter, Capt. John Woodman of Oyster River, and Capt. John Tuttle of Dover, that they keep Scouts of two men daily from Kings Town to Salmon Falls River, till further order from said Major Vaughan.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o} on Wednesday, the 4th of March, post meridiem, Anno Domini, 1701-2.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^{r}.

John Hinkes,	Esqs.	Wm. Vaughan,	Esqs.
Nathl Fryer,		John Gerrish,	
Peter Coffin,		Richard Waldron.	

The Lt. Govern^{r} having been credibly informed that the Indians by their late carriage in some of the Frontier Towns has given just occasion of suspition that they design mischief agst us,—for prevention whereof it is ordered:—

[P. 45.] That the several Captains of the respective towns

of Dover, Oyster River and Exeter, doe forthwith order Scouts to be kept on the heads of the said Frontier Towns as foll. to wit:

That Capt. Peter Coffin, Esq. of Exeter doe send two men to Scout from Exeter to Pick Pockett Mill, and thence to Kings-Town, and so back to Exeter; also to send two men to Lamperill River to the house of John Smiths and soe back to Exeter.

That Capt. Woodman, of Oyster River, do send two men from Oyster River to Lamperill River to the said Smiths, and so back, and two other men from Oyster River to Toll end Falls to the house of John Hamm, Jun: and that Capt. John Tuttle, of Dover, doe send two men from John Hamms at Toll end Falls to Salmond Falls to the house of Capt. Ichabod Plaisted, and that this Scout be daily kept by such persons as the respective Capt^{s} shall think most fit to be employed in this service, until further order, unless on such days as the weather will not admit of travel: and this Order the Secretary is required forthwith to send to the several Capts. aforesaid, whose obedience thereto is strictly required.

Ordered, that the Secretary give notice to Major Wm. Vaughan, that the present Military watch in the town of Portsm^{o} be continued, till further order.

Province of New Hampsh^{r}.

At a Council held at New Castle on Saturday the 28th day of March, Anno Domini, 1702.

Present.

The Honble Wm. Partridge, Esq. Lt. Govr.

John Hinkes, Nathl Fryer } Esqs. Robert Elliott, Wm. Vaughan } Esqs.

Richard Waldron, Esq.

Whereas the Gen^{ll} Assembly of this Province was Pro-

rogued to the first Tuesday in April next, the Lt. Governor was pleased, with the advice of his Maj'tys Council, to Order, that Proclamations goe forth to the several Towns of the Province for the Proroging the s^d^ Assembly till the Second Tuesday in May next; and that the Secretary forthwith make out the same.

Ordered, that all scouting be left off which was formerly ordered to be kept at the heads of the Rivers, and that the Secretary give notice to Peter Coffin Esq., Capt. John Woodman, of Oyster River, and Capt. John Tuttle of Dover accordingly.

[P. 46.] Province of New Hampsh^r^.

At a Council held at Portsm^o^
the 2^d^ June, 1702.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^r^.

John Hinkes,	Esqs.	Peter Coffin,	Esqs.
Nathl Fryer,		Wm. Vaughan,	
Robert Elliott,		Rich. Waldron,	

The Lt. Governor signifying his having received sundry uncertain Rumors of the death of his most excellent Majesty King William the Third, over England, &c. and that the High and mighty Princess Ann of Denmark, was proclaimed Queen of England, &c., he thought meet to advise with the Council thereupon; when it was immediately Resolved, that as soon as any certain advice thereof should arrive, the High and Mighty Princess Ann of Denmark, should be proclaimed Queen, &c.

Province of New Hampsh^r^.

3rd of June 1702.

The Lt. Govern^r^ Receiving a Letter from the Honble her Maj'tys Council of the Massachusetts Bay, wherein he was

ascertained that the truth of that dismal news, the death of his Most Excellent Majesty King William the Third, of glorious memory,—he thereupon forthwith ordered the Militia to be in Arms the next morning, which was accordingly attended; and after a Condolence for the Kings unhappy death, Proclamation was made of the High and Mighty Princess ANN, of Denmark, Queen of England, Scotland, France and Ireland, Defender of the Faith &c.: first at her Maj'tys Fort at the Great Island; and then at the Town of Portsmouth; at the celebration of [p. 47.] which solemnity all the great Gunns at the Fort and Town were discharged with sundry volleys of small Shott, the Lt. Govern^r Council and principal Gentlemen of the Province being present, the ceremony was performed with all decency and the greatest demonstrations of joy and satisfaction imaginable.

Province of New Hampsh^r.

At a Council held at New Castle, on Monday, the 15th of June, 1702.

Present.

The Honble Wm. Partridge, Esq. Lt. Govern^r.

John Hinkes, Nath. Fryer } Esqs. Robert Elliott, Richard Waldron } Esqs.

Upon the advice of the arrival of his Excellency Col. JOSEPH DUDLEY at Boston, Govern^r of the Massachusetts Bay and New Hampshire,—It is thought meet that a Congratulary Address be sent to his Excellency, with all expedition from her Maj'tys Council in this Province, and that Mr. Secretary Story, Richard Jose, and Theodore Atkinson, Esqrs. be the persons that shall goe and present said Address to his Excellency at Boston. Copy of Address upon file.*

* This Address not now to be found.—ED.

[P. 48.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o} on Tuesday, the 7th July, 1702, ante meridiem.

Present.

The Honble Wm. Partridge Esq. Lt. Governor.

John Hinkes, Nath. Fryer, } Esqs. Robert Elliott, Richard Waldron, } Esqs.

The Lt. Govern^{r} having rec^{d} the Declaration of War from his Excellency Joseph Dudley, Esq. between England, and France and Spain, acquainted the Council therewith, and desired their advice about proclaiming the War. Immediately upon which, the Militia was ordered in arms at the town of Portsmouth, and about twelve of the clock at Noon the Declaration of War was published in said town of Portsmouth, as also at her Maj'tys Fort at New Castle, when several great Guns and volleys of small Shott were fired. The Lt. Govern^{r}, several of the Council, and a great many of the principal Gentlemen and inhabitants of the Province were present.

This Ceremony was performed as accustomed.

ANNE R.

[Transcribed from a Copy in the Secretary's Office.]

ANNE, by the Grace of God of England, Scotland, France and Ireland, Queen, defender of the faith &c:

To our Trusty and well beloved JOSEPH DUDLEY, Esq., Greeting.

WEE, Reposing special Trust and Confidence in the Prudence, Courage and Loyaltie of you the said Joseph Dudley, out of our especial Grace certaine knowledge & meer motion HAVE thought fitt to Constitute & appoint, and by these presents doe Constitute and appoint you, the said Joseph Dudley, to be our Governor and Commander in Chief of all that part of our province of New Hampshire, within our Dominion of New England, in America, lying & extending itselfe from three miles northward of Merrimack River or any part thereof, unto the Province of Maine

with the south part of the Isle of Shoals: And wee doe hereby Command and require you to doe & Execute all things in due manner that shall belong unto your said Command and the Trust wee have Reposed in you according to the several Powers and directions Granted and appointed you by this present Commission, & the Instructions herewith given you or by such further powers & Instructions as shall at any time hereafter be granted or appointed you; under our Signett or Signe Manuall and according to such Reasonable Lawes and Statutes as now are & hereafter shall be made and agreed upon by you with the Advice and Consent of the Councill and the Assembly of our said Province and Plantation under your Government in such manner and form as is hereafter expressed. And wee doe hereby give full power to you the said Joseph Dudley, after you shall have first taken the Oaths for the due Execution of the Office and Trust of our Governor and Commander in Chief, in and over our said Province of New Hampshire, which the said Councill or any five of them have hereby full power and Authorit , and are required to administer unto you, to give and Administer to each of the members of our said Councill as well the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, as the Test, and an Oath for the due Execution of their places and Trust, and likewise to require them to Subscribe the late Association mentioned in an Act of Parliament made in the Seventh & Eighth years, of the Reigne of our late Royal Brother, King W^m^ the third, of blessed memory; entitled an Act for the better security of his Maj^tys^ Royal person and Government,—And, wee doe hereby give & grant unto you full power and Authority to suspend any of the members of our said Councill from sitting, voting or assisting therein, if you shall finde just cause for soe doing, and if it shall at any time happen that by the Death, Departure out of our said Province, or suspension of any of our said Counsellors there shall happen to be a vacancy in our said Councill, any three whereof wee doe hereby appoint to be a Quorum, Our will & pleasure is, that you signify the same unto us by the first opportunity, that we may under our Signett & Signe manuall Constitute & appoint others in their Roome. But that our Affairs at that distance may not suffer for want of a due number of Counsellors, if it shall at any time happen that there are less than seaven of them Residing in our said Province, Wee doe hereby give and grant unto you full power and Authority to Choose as many Persons out of the principal freeholders, inhabitants of our said Province as will make up the full number of the Councill to be Seaven

and noe more; which persons soe chosen & appointed by you shall be to all intents and purposes our Counsellors in our said Province till either they are confirmed by us, or until by the nomination of other Counsellors by us under our Signe manuall and Signett, the said Councill hath above seaven persons inst. And wee doe hereby Give & Grant unto you full power and authority, with the Advice and consent of our said Councill from time to time as need shall require, to summon and call Assemblies of the freeholders within our Government in such manner and forme, as by the advice of our Councill you shall finde most convenient for our service, And the Good of our said Province; And our will and pleasure is that the persons thereupon duely elected by the Major part of the freeholders, and being soe Returned and having before their sitting taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, And Subscribed the Test & Association aforesaid, which Oaths you shall Commissionate fitt persons, Under the Publick Seale to Administer, and without taking the said Oaths and Subscribing the said Test and Association, none shall be capable of sitting, tho elected, shall be called and held the Assembly of our said Province, And that you, the said Joseph Dudley, by and with the Advice and Consent of our said Councill and Assembly, or the Major part of them Respectively, have full power and Authority to Constitute & Ordaine Laws, Statutes & Ordinances for the Publick peace, welfare & good Government of our Said Province and Plantation and of the people and Inhabitants thereof, and such others as shall resort thereto, And for the benefit of us our heires and Successors, which said Lawes, Statutes and Ordinances are to be as near as may be Agreeable to the Lawes and Statutes of this our Kingdom of England—Provided, that all such Statutes and Ordinances of what nature or Duration soever be within three months or sooner after the making thereof transmitted unto us under the publick Seale, for our approbation or disallowance of them, as alsoe Duplicate thereof by the next Conveyance, and in case all or any of them being not before Confirmed by us, shall at any time be disallowed and not approved, and soe Signified by us, our heires or Successors, under our or their signe manual, or signett, or by order of our or their privy Councill unto you the said Joseph Dudley, or to the Commander in Chief of our said province for the time being, then such or soe many of them as shall be disallowed and not approved shall from thenceforth cease, determine and be utterly voyde and of none effect anything to the contrary thereof in any wise notwithstanding: And to the end noth-

ing may be passed or done by the said Councill or Assembly to the prejudice of us, our heires and successors, WEE will and Ordaine that you the said Joseph Dudley, shall have and enjoy a negative voyce in the making & passing of all Lawes, Statutes and Ordinances aforesaid, And that you shall and may likewise from time to time as you shall judge it necessary, Prorouge and Disolve all Generall Assemblies as aforesaid; AND our will and pleasure is that you shall and may keep and use the publick Seale, appointed or to be appointed by us for that our Province: And wee doe further give and grant unto you the said Joseph Dudley, full power & authority from time to time, and at all times hereafter, by yourself or by any other to be authorized by you in that behalfe to Administer the Oaths appointed by Act of Parliament to be given instead of the Oaths of Allegiance and Supremacy, to all and every such person and persons as you shall think fitt, who shall at any time or times pass into our said Province, or shall be Resident or abiding there; WEE doe hereby Give and Grant unto you full power and Authority to Erect, Constitute and Establish such and soe many Courts of Judicature and Publick Justice, within our said Province as you and they shall think fitt and necessary, for the hearing and determining of all Causes as well Criminall & Civill, according to Law and Equity, and for Awarding Execution thereupon, with all Reasonable, and necessary powers, Authorityes, fees, and priviledges belonging unto them; As also to appoint and Commissionate fitt persons in the Severall parts of your Government to Administer the Oaths appointed by Act of Parliament, to be taken instead of the Oaths of Allegiance and Supremacy, And the Test unto such as shall be obliged to take the same: And likewise to require them to subscribe the fore mentioned Association; AND wee doe hereby authorize & Impower you to Constitute and appoint Judges, Justices of the Peace, Sheriffes, and other necessary Officers and Ministers in our Said Province for the better Administration of Justice and putting the Lawes in Execution, And to administer or Cause to be administered such Oathe or Oaths as are usuall for the due Execution and performance of Offices and places of Trust, And for the clearing of Truth in Judicial Causes; WEE do further by these presents will and require that Appeals be permitted to be made in cases of Error from our Courts of New Hampshire, unto you our Governor, and to our Councill and in your absence from the said Province to our Lt Governor and our said Councill, in Civill Causes, Provided the value Appealed for doe exceed the sume of one hundred pounds sterling; And that Security be first

given by the Appellant to Answer such Charges as shall be Awarded in case the first sentence shall be Affirmed: And whereas, we doe Judge it necessary that all our subjects may have liberty to Appeale to our Royal person in Cases that may deserve the same; Our will and pleasure is that if either Partie shall not rest satisfied with the Judgement or Sentence of the Superior Court of our said Province, they may then appeale unto us in our Privy Councill, Provided that the matter in difference Exceed the true value and sume of Three hundred pounds sterling; And that such Appeale be made within fourteen dayes after sentence, And that Security be likewise duely given by the Appellant to Answer such Charges as shall be Awarded in Case the first Sentence be Confirmed; and Provided also that Execution be not Suspended, by Reason of any such appeals unto us: And wee doe hereby give & grant unto you full power and authority, where you shall see Cause, and shall Judge any offender or Offenders in Criminall matters or for any fines or forfeitures fitt objects of our mercie, to parrdon all such Offenders and Remitt all such offences, fines and forfeitures, before or after Sentence given,—Treason and wilfull murder only excepted,—in which cases you shall likewise have power upon Extraordinary occasions, to grant Reprieves to the Offenders untill and to the intent our will and Pleasure may be known therein: And wee doe hereby Give and Grant unto you the said Joseph Dudley, by your selfe, your Captains & Commanders by you to be Authorized, full power and Authority to Levy, Arm, Muster, Command & Employ all persons whatsoever Residing within our Said Province of New Hampshire, and as occasion shall serve them, to transfer from one place to another for the Resisting and withstanding of all Enemys, Pirates and Rebells both at Land and Sea, and to transport such forces to any of our Plantations in America as occasion shall require, for the defence of the Same Against the invasion or attempt of any of our Enemies, Pirates and Rebells, if there shall be occasion, to Pursue and prosecute in or out of the Limitts of our said Province or Plantations or any of them, and if it shall please God them to vanquish, Apprehend and take, and being taken either according to Law to put to death or keep & preserve alive at your discretion, and to Execute Martiall Law in time of Invasion, Insurrection or Warr and to doe and Execute all and every thing and things which to a Captaine Generall doth or ought of Right to belong, as fully & amply as any our Capt. Generalls doth or hath usually done: And wee doe hereby Give and Grant unto you full power & Authority, by and with the Advice & Consent of our said Coun-

cill, to Erect, Raise and Build in our said Province such and soe many forts, platforms, Castles, Cittyes, Borroughs, Towns and fortifications, as by the Advice aforesaid shall be thought necessary: And the same or any of them to fortifie and furnish with Ordinance, Ammunition, and all sort of Arms, fitt & necessary for the security and defence of our said Province; and by the advice aforesaid the same again or any of them to demolish or dismantle as may be most Convenient: Wee doe hereby Give & Grant unto you the said Joseph Dudley, full power and Authority to Erect one or more Court or Courts Admirall within our said Province for the hearing & determining all Marine and other causes and Matters proper to be heard therein, with all Reasonable and necessarie powers, Authoritys, fees, and Priviledges: As also to execute all powers belonging to the place and Office of Vice Admirall of, and in all the Seas and Coasts belonging to your Government, according to such Commission, Authority, and Instructions as you shall receive from our selfe under the Seale of our Admiralty or from our high Admirall or Commanders for executing the office of High Admirall of our foreigne plantations for the time being: And forasmuch as divers mutinyes and disorders doe happen by persons shipped and employed at sea during the time of Warr, to the end that such persons may be the better Governed and Ordered, Wee doe hereby Give & Grant unto you the said Joseph Dudley, our Governor & Commander in Chiefe full power and Authorityto Constitute and appoint Captaines, Masters of Shipps and other Commanders, and to Grant to such Captaines, Masters of Shipps and other Commanders, Commissions to Execute the Law Martiall during the Time of Warr, and to use such proceedings, Authority, Punishment, Correction & Execution Upon any Offender or Offenders which shall be mutinous, Seditious, Disorderly or any way unrulye either at Sea or during the time of their Abode or Residence in any of the ports, Harbours, or Bays of our said province or Territoryes as the cause shall be found to require, according to Martiall Law, during the time of Warr as aforesaid: Provided that nothing herein contained shall be construed to the enabling you or any by your Authority to hold plea or have jurisdiction of any offence, Cause, matter or thing Committed or done upon the High Sea or within any of the Havens, Rivers, or Creeks of our said Province or Territoryes under your Government by any Capts, Commanders, Lieuten^{t}, Master, or other Officer, Seamen, Souldier, or person whatsoever, who shall be in Actuall Service and pay in or on Board any of our Shipps of Warr or other vessels, Acting by Imediate Commission or Warrant from our

Lord high Admirall of England, now and for the time being, under the Seal of our Admiralty, or from the Com^rs of Executing the Office of our high Admirall of England for the time being; but that such Captaine, Commander, Lieutenant, Master, Officers, Seaman, Souldier, or other person soe offending be left to be proceeded against and tryed as the meritts of their offences shall require, either by Commission Under our Great Seale of England as the Statute of the twenty eighth of Henry the Eighth directs, or by Commission from our High Admirall of England now and for the time being, or from the Commissioners for Executing the office of High Admirall of England for the time being, according to the Act of Parliament, Passed in the Thirteenth yeare of the Reigne of our late Royall Unkle King Charles the Second, Entitled an Act for the Establishing Articles and Ordinances for the Regulating and better Government of his Majesties Navy, Shipps of Warr, and forces by Sea, and not otherwise; Saving only that it shall and may be Lawfull for you upon any such Capt or Commanders refusing or neglecting to execute, or upon his negligent or undue execution of any the written orders he shall receive from you for our Service and the Service of our said province, to suspend him the said Capt. or Commander from the exercise of his said office of Commander, and Committ him into Safe Custodye either on board his owne Shipp or elsewhere at your discretion, in order to his being brought to Answer for the same, either by Commission Under our Great Seale of England, or from our High Admirall of England Now and for the time being, or our Commanders for executing the office of High Admirall of England for the time being, as is before expressed, in which Case Our Will and pleasure is that the Capt. or Commanders soe by you suspended shall during such his suspension and Committment be succeeded in his said Office by such Commission or Warrant Officer of our said Shipp appointed by our High Admirall of England now, or for the time being, or by our Commanders for executing the Office of our High Admirall of England for the time being, as by the Known practice and Discipline of our Navy does and ought next to succeed him, as in Cases of Death, Sickness or other ordinary Disability hapening to the Commander of any our Shipps of Warr, and not otherwise; you standing alsoe accountable to us for the truth and Importance of the Crimes and Misdemeanors for which you shall soe proceed to the Suspending of such our Capts. or Commanders, Provided alsoe that all disorders and Misdemeanours committed on Shoar by any Capt. Commander, Lieutenant, Master, or other Officer, Seamen Soldier, or person what-

soever belonging to any our Shipps of Warr, or other Vessells Acting by Immediate Warrant or Commission from our High Admirall of England, now and for the time being, or from our Com^rs for executing the office of our High Admirall of England, Under the Seale of our Admiralty, for the time being, may be tryed and punished according to the Lawes of the place where any such Disorders, Offences and Misdemeanors shall be soe committed on Shoare, notwithstanding such offenders be in our Actuall service and in our pay on Board any such Shipps of Warr or other vessels Acting by Immediate Commission of Warrant from our High Admirall of England now and for the time being or from our Commanders for executing the office of our High Admirall of England for the time being, soe as he shall not receive any protection for the avoyding of Justice for such offences Committed on shore from any pretence of his being Imployed in our Service at Sea.

Our further Will and pleasure is, that all Publick money Raised or to be Raised within our said Province, and other the Territories depending thereupon, be Issued out by warrant from you by and with the advice and Consent of the Councill, and disposed of by you for the support of the Government and not otherwise; And wee doe hereby likewise give and Grant unto you full power and Authority by and with the advice of our said Councill, to agree with the Inhabitants of our Province and Territories aforesaid for such Lands, Tenements, and Hereditaments as now are, or hereafter shall be, in our power to dispose of and them to Grant to any person or persons for such Termes and under such moderate Quitt Rents, services and acknowledgements to be thereupon Reserved unto us, as you by and with the Advice aforesaid shall think fitt; which said Grants are to pass and be Sealed by our Seale of New Hampshire, and being entered upon Record by such Officer or Officers as you shall appoint thereunto, shall be good and effectuall in Law against us our Heires and Successors; And wee doe hereby give you full power to Order and appoint fairs, Marts, and Marketts within our said Province as you, with the Advice of our said Councill, shall think fitt, and to Order and appointe such and soe many Ports, Harbours, Bays, Havens, and other places for the Conveniencye and Securitie of Shipping, And for the better Loading and unloading of Goods and Merchandize in such and soe many places as by you with the advice & consent of our said Councill shall be thought fitt and Convenient, and in them or any of them to Erect, Nominate & appoint Custome Houses Warehouses, and Officers relating thereunto, and them to alter,

change, Place and displace from time to time as with the Advice aforesaid shall be thought fitt; And wee doe by these presents, will require and Command you to take all possible care for the discountenance of Vice and incouragement of Virtue and good living, That by such examples the Infidells may be invited & may desire to pertake of the Christian faith: And further our will and pleasure is that you shall not at any time hereafter by Colour of any power or Authoritye hereby granted or mentioned to be Granted take upon you to give Grant or Dispose of any office or place within our said Province or Territories which now is or shall be Granted under the Great Seale of England, any further than that you may upon the Vacancye of any such Office or suspension of any Officer by you put in any person to officiate in the intervall, untill the said place be disposed of by us, our heires or Successors under the Great Seale of England, or that our directions be otherwise given therein: And Wee doe hereby require and Command all officers and Ministers Civill and Military, and all other Inhabitants of our said Province to be Obedient aiding and Assisting unto you the said Joseph Dudley, in the Execution of this our Commission, and of the powers and Authorities herein contained, and in case of your death, or absence out of our said Province, unto such person as shall be appointed by us to be our Lieutenant Governor or Commander in Chiefe of our said Province, to whome wee doe therefore by these presents, Give and Grant all and Singular the powers and Authorities aforesaid to be Executed and enjoyed by him during our pleasure or untill your Returne to our said province, and if upon such death or absence there be noe person upon the place Commissionated or appointed by us to be our Lieuten^t Governor or Commander in Chiefe, Our Will and pleasure is that the then present Councill of New Hampshire doe take upon them the administration of the Government and Execute this Commission and the Severall powers and Authorities herein contained, and that such Councillor, who shall be at the time of your death or absence, Residing within the same & nominated by our Instructions to you before any other at that time Residing there, doe Preside in our said Councill with such powers and preheminencies as any former President hath used and enjoyed within our said Province, untill our pleasure shall be known therein, or Untill your Returne as aforesaid: And wee doe hereby declare, Ordaine and appoint that you the said Joseph Dudley, shall, and may hold Execute & enjoy the Office and place of our Governor and Commander in Chiefe, in and over our Province and Plantation of New Hampshire, together with all and

Singular the Powers and Authorities hereby Granted unto you for and during our Will & pleasure Imediately upon your Arrivall within our said Province of New Hampshire and the Publication of this our Commission. And Lastly we have determined and made voyde and by these presents doe determine and make void the like Commission or Letters Patents under the Great Seale of England, bearing date at Westm^r the thirteenth day of February, now last Past, Granted by our said late Royall Brother King William, the third, unto the said Joseph Dudley. In Wittnesse whereof wee have caused these our Letters to be made pattents. Wittnesse our selfe at Westminster the first day of Aprill in the first yeare of our Reigne, [1702.]

Per bre de Privato Sigillo,

Wrighte.

[p. 53.] Province of New Hampshire.

At a Council held at Portsm° Die Lunæ 13th July, 1702, ante meridiem.

Present.

His Excellency Joseph Dudley, Esq., Govern^r and Command^r-in-chief in and over her Maj'tys said Province &c.

The Honorable Wm. Partridge, Esq. Lt. Governor.

John Hinkes, Nath. Fryer, Peter Coffin, } Esqs.

Robert Elliott, Rich. Waldron, } Esqs.

Her Majestys Letters Patents constituting his Excellency Joseph Dudley, Esq. Governor, and Commander-in-Chief in and over her Maj'tys Province of New Hampshire was read and published.

Her Majestys Commission unto his Excellency Joseph Dudley, Esq. to be Vice Admiral, &c. was produced in Council.

The Oaths appointed by Act of Parliament instead of the Oaths of Allegiance and Supremacy, were by the Council administered unto his said Excellency Joseph Dudley, Esq.; also his Excellency repeated and subscribed the Declaration & Association, and took the Oaths appointed by an Act

of Parliament made in the 7th and 8th year of his late Majesty King Wm.'s Reign, to observe all matters and things contained in the several Acts of Parliament in that Act recited, and in that present Act, before the Lieut. Governr and Council.

Adjourned till 5 a clock, post meridiem.

[P. 54.] Province of New Hampshr.

At a Council held at Portsmo by adjournment, Die Lunæ, 13th July, 1702, post meridiem.

Present.

His Excellency Joseph Dudley, Esq. Governr and Commandr-in Chiefe, &c.

Wm. Partridge, Esq. Lt. Governor, &c.

John Hinkes,	Esqs.	Nathl Weare,	Esqs.
Nathl Fryer,		Saml Penhallow,	
Peter Coffin,		John Plaisted,	
Robert Elliott,		Henry Dow,	

His Excellency Joseph Dudley, Esq. Governr & Commandr &c. took the Oaths duly to execute the place of Governor and Commander-in-Chiefe, in and over said Province.

The Honble Wm. Partridge, Esq. Lieut. Governr, John Hinkes, Nathl Fryer, Peter Coffin, Robert Elliott, Nathl Weare, Samuel Penhallow, John Plaisted and Henry Dow, Esqrs. members of her Maj'tys Council, and Mr. Charles Story, Secretary, took the oaths appointed by Act of Parliament instead of the oaths of Allegiance and Supremacy and repeated and subscribed the Declaration and Association.

His Excellency Joseph Dudley, Esq. Governr and Commandr &c. was pleased to declare in Council that all Officers, civil and military, shall be and continue in their several places and stations, as formerly, until further order; and that each and every of them take due care for the pres-

ervation of the Peace, and that all her Maj'stys subjects within said Province, take notice to govern themselves accordingly.

Ordered, that the same be forthwith published by the Sheriffe with Beat of Drum, &c.

[P. 55.] Ordered, that her Majestys Letters Patents, constituting his Excellency Joseph Dudley, Esq. Govern^r, and Commander in Chiefe, in and over said Province, and her Maj'tys Commission granted unto his Excellency to be Vice Admiral, &c. be with all convenient speed, recorded by Mr. Charles Story, Secretary, in the usual Book, for recording such Commissions.*

Adjourned till tomorrow morning, 9 of the clock.

Province of New Hampsh^r.

At a Council held at Portsm° by adj^t on Tuesday the 14th of July, 1702, ante meridiem.

Present.

His Excellency Joseph Dudley, Esq. Govern^r and Command^r &c.

The Hon. Wm. Partridge, Esq. Lieut. Govr.

John Hinkes,	Esqs.	Nath. Weare,	Esqs.
Nath. Fryer,		Saml Penhallow,	
Peter Coffin,		John Plaisted,	
Robert Elliott,		Henry Dow,	

His Excellency, by the advice of her Maj'tys Council have thought fit that the Assembly of this Province continue in their Stations, and notwithstanding they were adjo^d by the Honble Wm. Partridge, Esq. Lt. Govern^r till the first Tuesday in August next, It is Ordered that the Sheriffe give notice to each member of the Assembly to ap-

* The Commission of Gov. Dudley, as Vice-Admiral, is written in *Latin*, and recorded in Book of Commissions in the Secretary's Office. It is judged inexpedient here to publish it.

pear in General Assembly at Portsmouth on Friday morning, by ten of the clock, and that writts be issued [P. 56.] forth for the new Election of three members of the Assembly in loco—Sam^ll Penhallow and John Plaisted, of Portsmouth, Esqs. and Henry Dow of Hampton, Esq. who are now members of her Maj'tys Council.

Adj^d till 10 a clock Friday morning next.

Province of New Hampsh^r.

At a Council held at Portsmouth, by adj^t, on Wednesday the 22^d July, 1702, post meridiem.

Present.

His Excellency Joseph Dudley, Esq. Govr &c.

The Hon. William Partridge, Esq. Lieut. Govern^r.

John Hinkes,	Esqs.	Sam. Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
Peter Coffin,		Henry Dow,	

Ordered, that a Warrant be directed to the Captain of the Fort Wm. and Mary that he suffer no Shipps or Vessels to pass by said Fort without producing a particular clearing, besides their former clearings, from the Treasurer or Receiver of all Rates and Duties upon Lumber, and goods imported and exported out of this Province:—which was accordingly signed by his Excellency, and the Secretary of y^s Province.

Ordered, that Mr. Theodore Atkinson, of New Castle, and Capt. Henry Dow of Hampton, be Receivers under the Treasurer, of all the Rates, Duties, &c. laid upon Lumber, Goods, &c. by an Act passed the 17th July, 1702.

[P. 57.] Whereas there was formerly a vote by the Assembly, that there should be twenty pounds allowed for the Agent's passage and provision for England, and it appearing that the said sum was not sufficient, but that there was 7£ more laid out for the same;

Ordered, that the Lieut. Govern^{r} who disbursed the said twenty seven pounds be paid out of the public Treasury, and have his warrant to be paid accordingly.

An Acct. of several disbursements for the Reception of his Excellency the Govern^{r} and the Gentlemen with him, and for entertainment of men and horses at Hampton and Portsmouth, made payable to the Honble the Lt. Govern^{r}; the several accts. being showed, amounting seventy seven pounds, eight and six pence, is allowed and ordered to be paid, and warrant go out accordingly. Acc^{ts} upon file.

Mr. Charles Story, Secretary, produced his acc^{tts} where the Province is Dr. to him as Secretary of said Province, amounting to seventy six pounds, ten shillings, and six pence, is allowed and ordered that he have his warrant accordingly, (saving the article of the second ten pounds for ingrossing the Laws, which is referred to consideration of the Assembly in their next Session.)

Ordered, that Richard Jose, Esq. High Sheriffe of said Province, have twelve pieces of Eight allowed for his attendance upon his Excellency and Council twelve days, when his said Excellency came first here, and warrant go out accordingly.

His Excellency, the Gov. having acquainted the Council that the Lieut. Gov. who attended him at Boston, at his arrival, did by his desire and advice [p. 58.] present Capt. Herne, Commander of the Centurion, with twenty pounds, in the name of this Province, as an acknowledgment of his respect to the Govern^{r} in his passage from England:

It is ordered, That the said twenty pounds be repaid him, and that the next Assembly be acquainted therewith, particularly, as well as in the accounts of disbursments in ordinary to be laid before them.

The Govr declared in Council that the Watches and Wards in all out Towns begin on Monday next, and that the Garrisons in said Several Towns under the hands of the Govern^{r} or Lieut. Gov^{rs} order, be sufficiently repaired.

Ordered, that whereas Officers are appointed at New Castle and Hampton for the receipt of several duties mentioned in an Act entitled an Act for Impost, Tonnage, &c., that the Secretary send Briefs of said Act to the said Officers and to the Collector of her Maj'tys Customs of this Province, that they may the better know what duties to receive, and that the Collector acquaint all persons belonging to any Shipp or vessel that shall come to be cleared at his office, to go to such officer appointed to receive the Duties aforesaid, to be there cleared likewise.

George Jeffrey, one of the members of her Maj'tys Council took the Oaths of Allegiance and Supremacy, and subscribed and repeated the Test and Association.

[P. 59.] Province of New Hampsh^r.

At a Council held at Portsm^o on Monday, the 5th of October, 1702.

Present.

The Hon. Wm. Partridge, Esq. Lieut. Governor.

John Hinkes,	Esqs.	Nath. Weare,	Esqs.
Nath. Fryer,		Sam. Penhallow,	
Robert Elliott,		John Plaisted,	
Peter Coffin,		Henry Dow,	

The petition of Mr. Thomas Holland, relating to his being divorced from his wife was read at this Board. Upon which his wife Elisabeth Holland was sent for by this Board to answer to said petition; who accordingly came and said petition was read to her. She answered as to the Adultery she was guilty of it, but not to see such lewd carriage as is mentioned in said petition;—and further said, that since she committed such adultery, the said Mr. Thomas Holland had forgiven her and had took her into his arms and had carnal copulation with her in Mr. Jeffrey's house, and she tendered to give her oath of it; Mr. Thomas Holland, then present, tendered his oath to the contrary.

Mrs. Hannah Jeffrey's and Margarett Owen was sent for to this Board to answer to such questions as should be proposed to them relating to Mrs. Holland's lodging or lying all night with her husband, Mr. Thomas Holland, in the house of Mr. Jeffrey.

[p. 60.] Mrs. Hannah Jeffrey being asked the question what she knew of Mrs. Holland and her husband Mr. Holland's lying all night together at Mr. Jeffreys house, answered she could not say Mrs. Holland lodged or lay all night with her husband Thomas Holland, and said that Mrs. Holland was in Mr. Holland's bed chamber when he came to go to bed, and that Mr. Holland knew nothing of her being there, but she believed they were in the chamber all night.

Margarett Owen said she knew nothing about their lying together, but Mrs. Holland went away from Mr. Jeffrey's about sunrise.

Adjourned till Thursday next, two of the clock.

[p. 61.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o} by adjournm^{t}, on Thursday, the 8th of October, 1702.

Present.

The Honble Wm. Partridge, Esq. Lieut. Govern^{r}.

John Hinkes,	Esqs.	Sam. Penhallow,	Esqs.
Peter Coffin,		John Plaisted,	
Robert Elliott,		Henry Dow,	

Upon reading this day in Council the petition and complaint of Thomas Holland relating to Elisabeth his wife, wherein he alleges that the said Elisabeth has been guilty of Adultery and other injuries done him in the embezzlement of his estate, the Adultery having been owned by her before this Board:

Upon which, this Board do order that the said Thomas

Holland do forthwith provide for their three children; and that he allow her, said Elisabeth, six shillings per week for her maintenance during her residence in this Province; and that public notification be given throughout this Province, that no person presume to trust or supply said Elisabeth Holland with any money or goods whatsoever upon the said Holland's reputation; for that he is hereby discharged from any farther payment to her for her maintenance than what is aforesaid: And this order to continue till further order.

Soe far gone for England, 24th Septr 1702.

[P. 62.] Province of New Hampshr.

At a Council held the 28th day of October, 1702.

Present.

The Honble Wm. Partridge, Esq. Lieut Governr.

John Hinkes, Esq. Sam Penhallow, Esq.

Henry Dow, Esq.

The Lieut. Governr was pleased to move to the Council that a day of Thanksgiving be set apart for returning thanks and praise to Almighty God for many blessings and favors bestowed upon this Province;—First, in preserving the sacred person of her Majesty Queen Anne, in maintaining so good a harmony between her and her Allies, and in granting so great success unto their forces both by sea and land: And also for soe good a settlement in this Government lately made by his Excellency Joseph Dudley Esq. our Governor, under the happy influence whereof we have a faire prospect of enjoying peace and quietness amongst us. And notwithstanding the war with France, to continue peace with the Indians. And in a peculiar manner, to preserve our Inhabitants in general from the contagious sicknesses which have been so fatal in the neighboring Provinces:—In bringing to maturity a plentiful Harvest of all

sort of Graine; and above all for the enjoyment of the Gospel and Gospel ordinances.

Ordered, that Thursday the twelfth day of November next, be set apart for a Thanksgiving day as aforesaid, and that Mr. Nathl. Rogers, minister, Saml. Penhallow, Esq. and [p. 63.] Mr. Charles Story, Secretary, draw up Proclamations accordingly: and that one Proclamation be sent to each Minister of every town in said Province, in order to publish the same.

Province of New Hampsh^{r}.

At a Council held at Portsmouth, on Monday, the 4th of January, 1702–3.

Present.

His Excellency Joseph Dudley, Esq. Governour, &c.

Wm. Partridge, Esq., Lieut. Govern^{r}.

Nath. Fryer,	Esqs.	Henry Dow,	Esqs.
Robert Ellott,		Sam. Penhallow,	
Peter Coffin,		John Plaisted,	

His Excellency having communicated a Letter to this Board from the Right Honorable the Lords Commissioners of the Council of Trade and Plantations, bearing date, Whitehall, September the 15th 1702, relating to the rebuilding the Fort in Piscataqua River, where the present Fort now stands, as also a strong Tower on the point of Fryers' Island, a Battery on Wood Island, and another on Clerk's Island:—

Upon which it is Ordered, that a General Assembly be called, and Writts issue forth for their meeting on Tuesday the twelfth of January instant, at ten of the clock in the forenoon.

His Excellency also Communicated another letter to y^{s} Board from ditto Lordships, dated Whitehall, June the 12th 1702.

Whereupon was ordered that Mr. Penny, Clerk of the Peace, [P. 64.] make out a true Coppy of all the fines escheated * for this seven years last past, and deliver said coppy to the Governour and Council of this Province within five days; and that Mr. Charles Story be allowed a Coppy of the complaint against him signed by Edward Randolph, and that he give in his answer to this Board in writing in seven days time; and upon the clause of the Memorial of Mr. Wallas relating to Capt. Ichabod Plaisted, that said Plaisted attend his Excellency thereupon next Council day.

To the next clause of the same Letter referring to certain enumerated commodities seized by Mr. Sheafe, the Lieut. Govern^r and Council informed the Governor they had directed a new seizure of said enumerated commodities, which was four baggs of Cotton wool, and that there is judgment for the Queen in the Inferiour Court, which they hope will be affirmed at the Superiour Court; notwithstanding the owner or claimer has appealed from said Inferiour Court to said Superiour Court.

In obedience to the last clause in same Letter referring to the Acts of the General Assembly of this Province, it is Ordered that the Secretary, with all expedition, make out true coppys of all the Laws now in being of this Prov: and particularly an Act for raising of £550, for defraying the public charge of the Province, in order to be sent to the Right Honble the Lords Commissioners of Trade and Plantations at Whitehall.

The petition of Joseph Stephyns, late Commander of Ship Katherine, relating to a special Court, was read at this Board, and referred to the consideration of next Assembly. Adjourned till Thursday next, ten of the clock in the forenoon.

* "*Escheat*"—In the United States, the falling or passing off of lands and tenements to the State, through failure of heirs or forfeitures or in cases where no owner is found.—*Web. Dic.*

[P. 65.] Province of New Hampsh^{r}.

At a Council held by adj^{t} on Thursday, the 7th day of January, 1702–3.

Present.

His Excellency Joseph Dudley, Esq. Govern^{r} &c.

Wm. Partridge, Esq. Lt. Governour.

Robert Elliott, Nath. Weare, } Esqs. Sam. Penhallow, Henry Dow, } Esqs.

His Excellency the Governour Communicated to this Board a Clause in a Letter from the Right Honble the Lords Comm^{rs} of Trade and Plantations, bearing date the 24th July, 1701, referring to a memorial of Mr. Edward Randolph, relating to a seizure made by Mr. Sheafe, Deputy Collector, of a Jersey Vessel, Mr. Montess, Master, with contraband goods, upon which Mr. Sheafe was heard and directed in a short time to offer to the Governour and Council what he had to Alledge thereupon.

The Council adjourned till next Tuesday, 12 o'clock.

[P. 66.] Province of New Hampshire.

At a Council held at Portsm^{o} as by adj^{t} the 25th of January, 1702.

Present.

His Excellency Joseph Dudley, Esq., Govern^{r}.

The Hon. Wm. Partridge, Esq., Lt. Govern^{r}.

Peter Coffin, Robert Elliott, } Esqs. Saml. Penhallow, Henry Dow, } Esqs.

Assembly men's names.

Upon reading of the petition of Mrs. Elizabeth Holland, and an order of Council thereto annexed, dated the eighth of October last past.

It is ordered, that the Secretary write forthwith to Mr. Daniel Jeffrey of Boston, Attorney to Mr. Thomas Holland, husband of said Elizabeth, to comply with said Order of Council and to restore her her wearing apparrel, &c., or to shew cause to the contrary.

Ordered, that Theodore Atkinson, Esq., bring the Assembly Books and papers to Portsm°, to deliver the same to the Speaker of the House of Representatives, whoever he shall be, and to take a receipt.

Adj^d till 11 o'clock to-morrow morning.

[P. 67.] Province of New Hampshire.

At a Council held at Portsm° by adj^t, on Thursday, the 14th of January, 1702-3.

Present.

His Excellency Joseph Dudley, Esq., Govern^r, &c.
The Honble Wm. Partridge, Esq., Lt. Gov. &c.
Peter Coffin, Saml. Penhallow,
Henry Dow, Esqs.

Upon reading the petition of Mrs. Love Shirburne, wherein she complained against Mr. John Lane, of Hampton, for not paying her the rent of her house, lands, &c., and endeavoring to wrong her, &c.,

Ordered, that both parties be sent to, to attend this Board on Monday next, in order for a tryal upon said petition.

Adjourned till 10 o'clock next Monday.

[p. 68.] Province of New Hampshire.

At a Council held at Portsm°, the 15th of January, 1702, by adjt.

Present.

His Excellency, Joseph Dudley, Esq., Governr, &c.
Wm. Partridge, Esq., Lieut. Governr.

Peter Coffin, } Esqs. Robert Elliott, } Esqs.
Samll Penhallow, } Esqs. Henry Dow, } Esqs.

Ordered, that the Act to prevent exportation of Wool out of the Kingdoms of Ireland and England into foreign parts, and for the encouragement of the woolen manufactures in the Kingdome of England, made in the 10th and 11th of King William the Third, be published by the High Sheriffe with Beat of Drumm, &c., having been hitherto neglected—which was accordingly done.

Province of New Hampshr.

At a Council held at Portsm° the 22d January, 1702.

Present.

His Excellency, Joseph Dudley, Esq., Governr.
The Hon. Wm. Partridge, Esq., Lieut. Governr.
Sam. Penhallow and Henry Dow, Esqs.

Whereas, by a former petition of the claimer or owners of the Sloop Success, now under seizure, Robert Mitchell, Master, to have said Sloop apprised,

Ordered, that said Sloop, with several Goods on board, be apprized, & that the claimers may have said Sloop and Goods, they first depositing the value of the apprizemt in money into the Deputy Collector's hands.

[P. 69.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o} the 25th day of January, 1702.

Present.

His Excellency Joseph Dudley, Esq., Govern^{r}, &c.
The Hon. Wm. Partridge, Esq., Lieut. Gov.
Robert Elliott, Esq., Sam. Penhallow, Esq.

Ordered, that Mr. Theodore Atkinson pay to the Secretary of this Province thirty pounds within thirty days time, out of the Act of Impost & Tonage money he hath received, by virtue of that Act, being in part of salary due to him for which he has had a warrant signed in Council for sixty-six pounds some time since.

The Honble Wm. Partridge, Esq., his Debenter, amounting to £58, 14s., for entertaining of his Excellency and several gentlemen, in January, inst., for three weeks or upwards, was read at this Board and allowed, it being in time of the Assembly sitting, and ordered to be paid out of the Treasury.*

[P. 70.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o} the 28th January, 1702.

Present.

The Hon. Wm. Partridge, Esq., Lieut. Govern^{r}.

Nath. Fryer,	Esqs.	Saml. Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
Peter Coffin,		Henry Dow,	

Ordered, that Mr. Secretary Story make a copy of the several answers to several compl^{ts} exhibited against this Government, to the Lords Commissioner of Trade and Plantations, one of which complaints is concerning the

* Note in the margin—"Order out, 13th Aug., 1703. Reported lost. New order granted the 2d Jan'y, 1710."

raising of £550, &c., and after such copy is soe made, to be by said Secretary, signed as follows :

Per order of

Lt. Governor and Council.

CHARLES STORY, Secretary.

and then to be sent to England, either to our Agents there or to the Lords Com^rs of Trade and Plantations, as shall be seen most meet, with all expedition.

WM. PARTRIDGE.

Province of New Hampshire.

February 5th, 1702.

The Honble Wm. Partridge, Esq., Lieut. Govern^r, having received a letter from his Excellency Joseph Dudley, Esq., Governour, &c., of the joyful news that her most Gracious Majesty Queen Anne had obtained a great victory over the French and Spaniards at Viego, in Spaine, by taking several Men of Warr and Spanish Galleons, and sunk and destroyed others ; his said Honor, the Lieut. Govern^r, several of her Maj'tys Council, with a great many Gentlemen, (the Militia in Arms,) went to her Maj'tys Fort, at Great Island, where they drank her Majesty's health, Prince George's, and prosperity to her Maj'tys Land and Sea forces —the Fort Guns firing in the interim. The day was concluded with Illuminations, Bonfires, &c.

[P. 72.] Province of New Hamp.

At a Council held at Portsm^o the 8th of February, 1702.

Present.

The Hon. the Lieut. Governor, Wm. Partridge, Esq.

Nath. Fryer, Peter Coffin, Robert Elliott, } Esqs.

Sam. Penhallow. John Plaisted, Henry Dow, } Esqs.

Mr. Theodore Atkinson's Debenter relating to the charge of wine, &c., at her Majesty's Fort, at Great Island, on the 5th of February instant, where several Guns were fired for joy of the news of a great victory over the Queen's enemies, &c., amounting to £2, 16s., was allowed and approved of and ordered to be paid accordingly.

Whereas, Mr. Sampson Sheafe, Deputy Collector of this Province, has informed this Board of four baggs of Cotton Wool seized for illegal importation and brought to a trial at her Maj'tys last Inferiour Court of Common Pleas, where judgment was given for her Majesty; but the Claimer, not satisfied therewith, has appealed to the Superiour Court of Judicature, the said Collector now moving that noe further proceeding may be had upon said appeal; but that the cause may be tried at the Court of Admiralty, now speedily to be held in this Province, according to an Act of Parliament made in the 7th and 8th years of the reigne of his late Maj'ty King Wm. the Third, of glorious memory, entitled an Act for preventing of Frauds, and regulating Abuses in the Plantations, &c., and it appearing to this Board that by the aforesaid Act of Parliament, the cause aforesaid, as well as all other causes of that nature, are most properly cognizable before a Court of Admiralty;—

[P. 73.]

It is therefore Ordered, that the opinion of this Board be forthwith certified by the Secretary to the Justices of the Superiour Court of Judicature, that they proceed noe further in the hearing the aforesaid appeal; but forthwth dismiss the said Cause in order to be heard and tried by such Court of Admiralty as if such Cause had never yet been heard.

Province of New Hampshire.

At a Council held at Hampton per order of the Lieut. Govern^{r}, on Wednesday, the 17th February, 1702.

Present.

John Hinkes, Nathl. Weare, } Esqs. Sam. Penhallow, Henry Dow, } Esqs.

Thomas Newton, Esq., produced a Commission for Deputy Judge of the Admiralty, under the hand and seal of Wm. Attwood, Esq., bearing date the 10th day of November, in the 13th year of the Reign of his late Majesty King Wm. the Third, of glorious memory, and the same being read publickly at this Board—

It was ordered that the Secretary administer to the said Thomas Newton the oaths of Allegiance and Supremacy, which was done, and the said Thomas Newton accordingly took the same, and repeated and subscribed the Declaration and Association.

[p. 74.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o} the 4th March, 1702.

Present.

The Honble William Partridge, Esq., Lieut. Govern^{r}.

Peter Coffin, Nathl. Weare, } Esqs. John Plaisted, Sam. Penhallow, Henry Dow. } Esqs.

Ordered, that Proclamation be sent to all the Towns of this Province for proroguing the Assembly till the 13th day of April next, at 10 of the clock in the forenoon, and that the Secretary issue forth the Proclamation accordingly.

Province of New Hampsh^{r}.

At a Council held at New Castle, on Friday, the 2^{d} day of April, 1703.

Present.

The Hon. Wm. Partridge, Esq., Lieut. Governour.

John Hinkes, } Esqs. Nathl. Fryer, }

Robert Elliott, } Esqs. Sam. Penhallow, }

Ordered, that on Thursday next, being the 8th instant, a General Thanksgiving be solemnized throughout this Province, for the many great and wonderful successes of her Majesty's forces, both by Sea and Land; and that coppies of the Proclamation this day drawn up and read be timely transmitted to each of the respective ministers in said Province.

Sam. Penhallow, Esq., Treasurer, produced his Acct. to this Board, am^{t}. to £6, 12s., which was read and allowed, and ordered to be paid out of the Treasury accordingly.

[P. 75.] Province of New Hampsh^{r}.

At a Council held at Portsmouth on Friday, the 11th June, 1703.

Present.

His Excellency Joseph Dudley, Esq., Governour, &c.

John Hinks, Robert Elliott,

Sam^{ll}. Penhallow, Esqs.

His Excellency, in the presence of the Council, delivered a Commission to the Honorable Thomas Poney [?] Esq., constituting him Major General of the Militia of this Province, who took the oaths appointed by Law instead of the oaths of Allegiance and Supremacy, and repeated and subscribed the Declaration and Association.

[p. 76.] Province of New Hampsh[r].

At a Council held at Portsmouth, on Monday, the 14th of June, 1703.

Present.

His Excellency Joseph Dudley, Esq., Governour, &c.

Peter Coffin, Nathl. Weare, } Esqs. Sam. Penhallow, Henry Dow, John Plaisted, } Esqs.

His Excellency having moved to this Board that he thought it very necessary that an Assembly should be called to sit on Wednesday, the 23[d] instant, at 10 of the clock in the forenoon,

Ordered, that the Secretary issue forth writts for the choosing of Representatives in every Town throughout this Province, to sit on Wednesday, the 23[d] instant, at ten of the clock in the forenoon, accordingly.

Upon the Governor's acquainting the Council with the danger of a sudden breach with the Indians, and the necessity of our being upon a defense:

It is ordered, that the Secretary write to the chief Military officers of every company in the Province, that with all Diligence and Exactness they keep out their scouts every day and their watches at night, and that they examine their scouts every evening and take care to give notice of any approach of an Enemy; and that they examine and see that powder and ball be sufficient in all companies, and to make report of the same to the Lieut. Governour with all possible speed.*

* On the 20th of June, 1703, Gov. Dudley, with a number of gentlemen from both Provinces, (New Hampshire and Massachusetts), held a Conference with the Indians, at Casco, Me. The latter assured him that "as high as Heaven was above the earth, so far distant was their design of making the least breach of the peace." But in the space of six weeks a body of French and Indians, five hundred in number, having divided themselves into several parties, attacked all the settlements from Casco to Wells, and killed and took one hundred and thirty people — burning and destroying all before them. See *Farm. Belk.* p, 127: *Penhallow's In. Wars*; Coll. N. H. Hist. Soc., vol. I, pp. 23-24.—Ed.

[P. 77.] Province of New Hampsh^{r}.

At a Council held at Portsm^{o}, on Friday, the 2^{d} July, 1703.

Present.

His Excellency Joseph Dudley, Esq., Governour, &c.
The Hon. Wm. Partridge, Esq., Lieut. Governour.

John Hinks, Robert Elliott, Peter Coffin, } Esqs. John Plaisted, Henry Dow, } Esqs.

The hearing the suspension of Mr. George Jeffrey, by the Governor's appointment, came on.

The Secretary acquainted his Excellency at the Board that according to the command given him he had writt to Mr. George Jeffreys to attend his concerns at the Board, and delivered the same to the Sheriffe to be sent accordingly.

The Sheriff acquainted the Board that he delivered the said Letter to Mr. George Jeffrey's own hand.

The Lieut. Governour acquainted the Governor & Council that he had received sometime before the Governor's arrival, Letters from their Excellencies the Lords Justices of England, bearing date the twenty-fifth day of July, 1699, commanding his strict care of the acts of Trade and Navigation, Encouragement of the Officers of the Customs, and Discouragement of all persons and methods to the contrary.

The letter from their Excellencyes the Lords Justices was accordingly read.

Lieut. Govern^{r} Partridge then desired that Mr. Sampson Sheafe, Deputy Collector of the Province, might be examined, who was accordingly called and sworne.

Mr. Sheafe gave oath that Mr. George Jeffreys discoursing with him about the seizure of some of the enumerated commodities imported contrary to the Acts of Trade, Mr. Jeffreys told him that the Acts of Trade were not in

tended aga^st^ Coasters in the Plantations; and that he would defend that opinion, and particularly in the seizure of four baggs of Cotton Wool, imported into this Government contrary to the Act of Parliament. The said Jeffreys was present in Court, and privately whispered the Attorney, to direct him, which happened sometime before the Governor's arrival, and since at the Court of Admiralty accepted to be an Attorney in that Cause, to plead against the Crown, being otherwise a merchant, and not known to practise the Law.

[p. 78.] Mr. Secretary Story then informed the Governor and Council, that he was Imployed in the pleading of the case of the Cotton Wool at the Inferiour Court on her Maj'tys behalf; and afterwards, in the Court of Admiralty, was present and saw Mr. Jeffreys appear as Attorney for the Claimer.

Richard Jose, Esq., High Sheriffe likewise informed the Governour and Council that he was present at the Court of Admiralty and heard Mr. Jeffreys plead as an Attorney in the case about the Cotton Wool on behalf of the claimer.

The Lieut. Governour then alledged that Mr. Jeffreys had been for twenty years in an illegal trade at several times, and brought in the Records of the Courts of the Province, that Judgment was given against him in the year 1682; and the Record was accordingly seen in the original Book and the Record contains forty-five pages, wherein there is a challenge also of a false oath given by the said Jeffreys too long to transcribe.

The Lieut. Governor also informed the Governor and Council, that the Secretary at several times for some years past has frequently informed himself, in Council, that Mr. Jeffreys has defamed him, and said he had ruled arbitrarily and ill managed the affairs, to the great Defamation and Hurt of the Government in his hands; upon all which he thought it not possible for him to proceed well with him in the manadgement of her Maj'tys affairs.

Mr. Hinkes of her Maj'tys Council then informed, That some time since about a year before the said suspension, Mr. Secretary Story reported in Council that Mr. Jeffrey has spoken very unbecomingly of the Lieut. Governor, as using arbitrary power. The Council being sensible of the inconvenience of such discourses of the Lieut. Governor, moved Mr. Hinkes and Capt. Gerrish one other member of the Council, to hear Mr. Jeffrey of that matter, which they did and Reported it to the Council, that Mr. Jeffreys denied it although the Secretary instantly insisted upon it; and now says that what he then informed was true.

[p. 79.] George Jeffrey, his ANSWER to the reasons of his suspension by William Partridge, Esq. from sitting in her Maj'tys Council of New Hampshire, exhibited before his Excellency Joseph Dudley, Esq. her Maj'tys Governour and Commander-in-Chief, of said Province, in Council, the 29 day of July, 1703.

In the first place, Mr. Partridge produces the information of Mr. Sheafe, Deputy Collector, who swears, (although not *truce voce*) that in discourse with me upon the seizure of some Enumerated Commodities, I should tell him that Acts of Trade were not intended against coasters in the Plantations, and names particularly, four baggs of Cotton wool which were seized by said Sheafe and brought to trial at a Court of Common Pleas, where was produced by the Claimers, a Certificate from the Collector and Controller of her Maj'tys Customs in Boston, that the wool in controversy was lawfully imported from Barbadoes, where the duty was paid therefor: At a Court of Appeale in February, 1701, the Jury found for the Claimer, and judgment entered accordingly as appears on Record.

In private discourse with Mr. Sheafe I said it was my opinion the Claimers ought to have their wool, because of said judgment, seeing the intention of the Acts of Trade was not eluded which is the substance of what I ever discoursed with him on that subject; and this was long before I was of her Maj'tys Council, therefore humbly conceive can be no just cause of my suspension by Lt. Governor Partridge; for with submission, suspension seems to imply mal-administration or misbehavior in the station suspended from, which is not so much as alledged; And if it were a crime in me as a private person, to give my opinion, as the Law have determined, it seems much more so in the Judges, John Hinks, Peter

Coffin, John Plaisted, Esqrs. who are all of the Council, and did give judgment for the Claimer of the Cotton wool, yet not suspended for that crime.

I humbly conceive the information of officers ag^st goods seized, makes it no crime in the Claimers or others in their behalf to give their opinion, defend or recover in a lawful way such goods, where dues to the Crown are paid, without being stigmatised with the Black Character of pleading against the Crown.

In the second place, as a Reason of my suspension, Mr. Partridge produces the information of Mr. Secretary Story, who says, he was employed in the Case of the Cotton Wool on her Maj'tys behalfat the Inferiour Court, and saw me afterwards in the Court of Admiralty, appear as Attorney for the Claimer:—

To the first part of Mr. Story's Information, it noways respects me that he was employed as Attorney, and cannot conceive why it was put in as a cause of my suspension, but must here take notice of his mistake in saying he pleaded on her Maj'tys behalf, for King William was then living and the processes in his name. [p. 80.] To the second part of Mr. Story's Information, I answer, my appearing at the Court of Admiralty cannot be a reason of my suspension, for Mr. Partridge was pleased to suspend me in August, 1702; and the Court of Admiralty was held six months after; soe I was suspended for a pretended crime six months before committed. It is true I was occasionally at that Court of Admiralty, where the claimer of the Cotton Wool, being a woman, and having no Attorney did with some others importune me to say that the wool in controversy had been tried in the Court of Common Pleas, where the Claimer obtained judgment, and Writ of delivery or execution in their favor; therefore did humbly conceive the same ought not to be brought to the Court of Admiralty, because her Maj'tys Royal Commission and the Laws of this Province, allows pleas of the Crown as well as other Causes to be tried at Courts of Common Pleas, And the Prosecutor or Informer had liberty to choose where to bring his suit, which he did to the Common Pleas: where, being determined by verdict of Jury and judgment of Court in favor of the Claimer, was humbly of the opinion could not be again tried at the Court of Admiralty, which the Judge so far approved and allowed, that he did not see cause to proceed farther in said trial; and the Cotton Wool yet is detained in the custody of Mr. Partridge or Deputy Collector. I make no profession of the Law, nor ever received a fee or pleaded—otherwise than *Amicus Curiæ*,—but if I had pleaded as Attorney there

are precedents in New England of Councellors pleading at the Bar, yet never any before suspended for that Crime.

In the third place, Mr. Partridge alledges that I had been for twenty years in an illegal trade, and is said to have brought Records of Courts that judgment was given against me in the year 1682;—What papers he may have called Records I know not, but I solemnly affirm that I never before heard of any Judgment or Record of Court against me, nor can any such legally attested be found, for I never was under any such conviction. All that can he pretended was that Mr. Randolph, did about the year 1682, exhibit complaints against a Ketch, the master whereof was recommended to me for advice; and upon Trial, the said Ketch was cleared by the verdict of a Jury of twelve men freeholders, which offended Governor Cranfield; so that the same Jury to appease his displeasure, did sundry days after bring in another Verdict after said Vessel was gone; and I being called before Governor Cranfield, did affirme that I did not send said Vessel away, nor had any authority soe to doe; being not soe much concerned as to draw commissions as Factor, nor had any part of said Ketch nor loading; but if what is alleged were true, as it is not, Mr. Partridge was not then Lieut. Govern^r, nor was I of the Council. I have since that time had the honor to serve the Crown in sundry places of trust, and never had any mal-administration alledged against me; but being assisting to Mr. Partridge when he went for England, at what time he obtained [p. 81.] from their Excellencies the Lords Justices, a Commission for being Lieut. Govern^r in this Province, when Saml. Allen, Esq. was Governor, and is all the Commission he ever had for that Post.

In the last place, Mr. Partridge informs the Governor and Council that Secretary Story, several times some years past, informed him in Council that I had defamed him, and said he had ruled arbitrarily; upon which two of the Council were sent to discourse me, to whom I did give such ample satisfaction that I heard no more of it; although I prayed the Gentlemen I might be sent for before the Council, to clear myself of that Calumny, which I would do by sundry witnesses; but presume they thought it would not redound to Mr. Partridge's honor, to prosecute said complaint:—The truth of that matter was thus: Mr. Partridge, some others and myself were owners of a Ship named the Portsmouth, whereof Capt. Mark Hunkin was Commander and part owner, who wanted a Cable for said Ship, which Mr. Partridge proffered to supply with at a certain price; the Master told him he would buy a good and more sizeable Cable for less and knew not why the other own-

ers should be imposed upon to give him more than he could buy for: but Mr. Partridge told him should take his and noe other, and at his price, and ordered the Sailors to carry it on board; which when I understood might say was arbitrary, and this being in matter of Meum and Tuum, which Mr. Story well knew; cannot conceive how it could affect Government.

Mr. Hinkes is pleased to inform that this matter happened about a year before my suspension; whereas it was about three years before my admission in Council. If there had been just matter of Complaint against me referring to Government, Mr. Partridge wanted neither power nor inclination to prosecute in due season.

I was by his Excellency Joseph Dudley, Esq. Governor, admitted and sworn in Council, in July, 1702, according to Instructions from her most excellent Majesty Queen Anne; notwithstanding Mr. Partridge's endeavors to divert or obstruct the same; who was pleased soon after his Excellency's removal to his other Government, the first sitting of Council to suspend me, refusing to give any reason, nor did I ever hear of any before this time, which is near a year after my suspension.

I could by many instances instruct the Cause is not what is pretended. I have traded as regularly as himself. We have differed in Accounts and submitted to the arbitrament of some of her Maj'tys Council and Merchants in Boston, whose award Mr. Partridge hath not complied with.

This is what at present conceive necessary in my own vindication to answer Mr. Partridge's reasons for suspending me—which is most humbly submitted to the proper Judges thereof.

[p. 82.] By her Maj'stys loyal and
most Dutiful Humble Servant,
GEO. JAFFREY.

Province of New Hampshire.

At a Council held at Portsmouth,
on Saturday the 3rd July, 1703.

Present.

His Excellency Joseph Dudley, Esq. Governor.

The Honble Wm. Partridge, Esq. Lieut. Governor.

John Hinkes,	Esqs.	John Plaisted,	Esqs.
Peter Coffin,		Saml. Penhallow,	
Robert Elliott,		Henry Dow,	

The Complaint agst Capt. Tobias Langdon by Mr. Wm. Cotton, was read at this Board, and ordered that said Langdon be summoned to appear at four of the clock in the afternoon.

Capt. Langdon appeared, and it was Ordered, that Monday fortnight at ten of the clock in the forenoon, being the 19th instant, be appointed for the hearing of said complaint; and that the Officers of the Militia and the Selectmen of the Town of Portsmouth have notice to attend; and that the Action brought by William Cotton, against Captain Langdon, be suspended and continued; and that the officers of the Militia take strict care that the fence in difference mentioned in said complaint be not any more pulled down by the Militia Soldiers. And to observe this Order of Council.

Ordered, That the Secretary write a Letter in the name of his Excellency from this Board, to Mr. Sampson Sheafe, Deputy Collector, to direct him that neither himselfe nor any person employed under him in the Service, doe clear any Vessel in any Creek, Port, or Harbor in this Province, until they have brought a Certificate that the duty of Impost and Tonnage is paid, according to an Act passed for the support of this her Maj'ty's Government.

The Lieut. Govern^{r} having had a Horse ridd to death in the publick service, value ten pounds, — ordered, that the same be paid out of the Treasury.

[P. 83.] Mr. John Hinkes Debenter for himselfe and souldiers, was read at this Board, amounting to 158lb 13s, 4d, as upon file, was allowed and approved of and ordered to be paid accordingly.

Voted, That Capt. Smith, Commander of her Majesty's Frigate the Gosper, be desired to accept of forty pieces of Eight, from the Treasurer of this Province, on board, on their voyage to Casco Bay.

The payment of the Eight pounds being the eleventh part of the disbursements on the four Indians last January,

being omitted, Ordered that the same be paid out of the next Rate, (to Coll. Thomas Packer.)

Richard Jose, Esq. Sheriffe of this Province Debenter being read at this Board, amounting to 10lb 10s was allowed and ordered to be paid accordingly.

Mr. Henry Penny, his debenter being read at this Board, amounting to one pound ten shillings, was allowed and approved of, and ordered to be paid accordingly.

Mr. Secretary Story, his Debenter from the 17th May, 1702, to the 17th May, 1703, amounting to thirty eight pounds as upon file, was read at this Board, and allowed and approved of, and ordered to be paid accordingly.

Ordered, that the five pounds, fifteen shillings due to Coll. Packer in January last, and the 9lb, 17s, 11d, now due to him being the Province share of expences upon the two Indian Treaties, be paid accordingly out of the next Province Rate, it being at the time of the sitting of the General Assembly.

Ordered, that Philipp Lambert, ferriman at Little Harbor in the township of New Castle, be free from paying any Rates to this province, or town of New Castle; and privilege of selling liquor free from Excise, as the Law directs: In consideration of which he is to ferry over all persons being inhabitants of the township of New Castle, living on the same side of the river, where the ferriman lives, on all publick days throughout the year free from paying any ferriage.

Upon the motion of the House of Representatives, that the Treasurer's account for the time past be made up and adjusted by the Treasurer to the last day [p. 84.] of this instant July, and fairly transcribed and laid before the House of Representatives at their next Sessions, on the first Friday in September next,

Voted and agreed to by both Houses in the Council Chamber. CHARLES STORY, Secretary.

Adjourned till Monday the 19th July inst.

Province of New Hampshire.

At a Council held at Portsmouth, by adj^{t}, on Monday the 19th July, 1703.

Present.

The Honorable Wm. Partridge, Esq. Lieut. Governor.

Peter Coffin, } Esqs. Robert Elliott, } Esqs. John Plaisted, } Esqs. Saml. Penhallow, } Esqs.

Henry Dow, Esq.

A Receipt from Capt. Summersby to Capt. John Gilman of Exeter, for eighteen shillings, for entertainment of twenty one horses, was read at this Board and allowed that said eighteen shillings be paid Capt. Gilman accordingly.

Ordered, that the Lieut. Governor have ten pounds paid him out of the Treasury for entertaining his Excellency and other Gentlemen at his house for three weeks time, in June and July instant.

(Order formerly out & lost. A new order out the 2^{d} Feby 1710.)

The Complaint of William Cotton against Tobias Langdon, having been this day considered by this Board, both parties being present with the Militia Officers, several soldiers and Selectmen, the [P. 85.] said Tobias Langdon was found guilty in pulling down the fence mentioned in said Complaint; who was cautioned by this Board not to proceed any more in the like manner; as was also all the Militia then present; but to take such direct methods against said complainant, if guilty of any trespass, as the Law in such case directs; and that the said Tobias Langdon pay to the Complainant, two pounds ten shillings for his Costs; and that the Secretary issue forth processes accordingly.

Francis Graves his Debenter was read at this Board, amounting to four pounds, three shillings, was allowed and approved of and ordered to be paid out of the Treasury.

Mr. Samuel Penhallow's Debenter amounting to five

pounds, seven shillings, was allowed and ordered to be paid accordingly out of the Treasury.

Elisha Bryer his debenter, amounting to six pounds, eighteen shillings, was allowed and ordered to be paid accordingly.

[P. 86.] Province of New Hampshire.

At a Council held at Portsm^{o},
the 22^{d} of August, 1703.

Present.

The Honorable Wm. Partridge, Esq. Lieut. Governor.

John Hinkes, } Esqs. John Plaisted, Esq.
Robert Elliott, }

His Honor, the Lieutenant Govern^{r} having signified to this Board that he had received a Proclamation of War from his Excellency Joseph Dudley, Esq. our Governor against the French and Indian Enemy, which was read at this Board, and thought meet that his Honor the Lieutenant Governor should issue forth declarations in this Province, much after the same tenor or effect of said declaration from his Excellency, and that one of them be this day publicly Read in Portsmouth, with beat of drumm &c. and one sent to each Captain of each Town of said Province, to be by them publikly read.

Ordered, that twelve men be detached out of such Companies in this Province as the Honorable the Lieutenant Governor shall see meet, for the Securitye and Defence of Portsmouth.

[P. 87.] Province of New Hampshire.

At a Council held at Portsmouth, the 23d August, 1703.

Present.

The Honble Wm. Partridge, Esq. Lieut. Governor.

John Hinkes, Robert Elliott, Nath. Weare, } Esqs. Henry Dow, John Plaisted, } Esqs.

Ordered, that sixty men be detailed out of the several towns of this Province, to be improved for the destroying and suppressing of the French and Indian enemy, that may be found between Newichawanock and Mirrimack River.

Ordered, that Wednesday the first day of September next, be sett apart for the service of Almighty God, as a day of Humiliation throughout this Province, and that John Plaisted, Esq. Mr. Nathaniel Rogers, Minister, and Mr. Secretary Story be appointed to draw up a Proclamation for that purpose; and that the Secretary send copies of said Proclamation to each Minister of the several towns, in order to publish the same at their publick meetings.

[P. 88.] Province of New Hampshire.

At a Council held at Portsm^o, on Tuesday, the 14th September, 1703.

Present.

The Honourable Wm. Partridge, Esq. Lieut. Govern^r.

John Hinkes, Peter Coffin, } Esqs. Robert Elliott, John Plaisted, } Esqs.

Henry Dow, Esq.

Ordered, That a General Fast be kept and solemnized throughout this Province on Thursday the Twenty third September instant, humbly to implore the Divine Mercy for the preservation of her Majesty's most sacred person; and

that her just Arms may be prospered in the Action of this present year; that the forses sent forth on her Majestys service within this Province against the bloody and murderous salvages, may be under the good Conduct of Heaven, and be succeeded in taking just Revenges of the perfidious enemy for the innocent blood by them shed; that our Seacoast and inland frontiers may be gaurded with Divine protection; that the remainder of the Harvest may be plentiful; that the Protestants in Europe may be preserved and prevaile, &c.

And that the Secretary issue forthe Proclamations accordingly.

Ordered, that Proclamations go forth to Prorogue the Assembly, till Friday, the 24th Instant; and that the Secretary issue forth Proclamations accordingly.

His Excellency's letter of the 11th Instant directed to the Honourable, the Lieut. Governour, was read at this Board relating to resettling of Kingstown.

Ordered, the same be referred till his Excellency's coming.

[P. 89.]

ANNE R.

(Privy Seal.) INSTRUCTIONS for our trusty and well beloved Joseph Dudley, Esq. our Governour and Comder-in-Chief in and over our Province of New Hampshire, in New England, in America, relating to matters in dispute between Samuel Allen, Esq. the proprietor of our said Province, and the Inhabitants of the same.

Given at our Court, at Windsor, the 26th day of July, 1703, in the second year of our Reign.

Whereas, John Usher, Esq. whom we have been pleased to constitute our Lieutenant Governour of our Province of New Hampshire, is near related by marriage to Samuel Allen, Esq. the proprietor of the said Province; and whereas there are matters in dispute and Causes depending between the said Allen and others

our good subjects concerning titles of land in that Province: We have thought it requisite to direct that the said Usher shall not intermeddle in any manner with the appointing of Judges or Juries, or otherwise in matters relating to such disputes, between the said Allen and any person or persons whatsoever. And our will and pleasure is and Wee doe accordingly hereby expressly Order, That you our Governor in Chief of our said Province doe give all necessary directions in the appointing of Judges, Juries, and other officers for the trial and decision of such Causes, and that you do take particular care in inspecting whatsoever relates thereunto, to the end that impartial Justice may be administered to all our good subjects therein concerned.

A. R.

Vera Copia, Attest.

CHAS. STORY, Secretary.

Commission of Lieut. Governor John Usher, Esq.

["Commissions" in Secretary's Office.]

ANNE R.

ANNE, by the Grace of God, Queen of England, Scotland, France and Ireland, Defender of the Faith, &c. To our trusty and well beloved JOHN USHER, Esq. Greeting:

Whereas our late dear brother, King William the Third, of blessed memory, did in and by his Commission, bearing date the 26th day of June, 1696, nominate and appoint William Partridge, Esq. to be Lieut. Governor of the Province of New Hampshire, in New England, which Commission, by the Demise of our said dear brother is determined:—And wee do, by these presents, declare to be determined accordingly: And whereas, by our Commission, under our Great Seale of England, bearing date the . . . day of . . . in the first yeare of our Reigne wee have constituted and appointed our trusty and well beloved Joseph Dudley, Esq. our Captaine General and Governour-in-Chief, in and over our said Province of New Hampshire in New England;—Wee, reposing especial trust and confidence in your Loyaltie, Courage and Circumspection, doe, by these presents, constitute and appoint you, the said JOHN USHER, to be our Lieutenant Governour of our said Province of New Hampshire, in New England: To

HAVE, hold, Exercise and Enjoy the said place and office for and during our pleasure, with all Rights, Priviledges, Profits, Perquisites and Advantages to the same belonging or appertaining; and further, in case of the death or absence of the said Joseph Dudley, Wee do hereby authorise and Impower you to execute and performe all and singular the powers and directions contained in our said Commission to the said Joseph Dudley, and such Instructions as are already or hereafter shall, from time to time be sent unto him, soe nevertheless, that you observe and follow such orders and directions as you shall receive from us or from the said Joseph Dudley, or any other Cheife Governour of our said Province of New Hampshire, for the time being. And all and singular our officers, ministers and loving subjects of our said Province, and others whome it may concern, are hereby commanded to take due notice hereof, and to give their ready obedience accordingly.

Given at our Court at Windsor, the 10th day of June, 1703, in the second year of our Reigne.

By her Majesty's Command.

NOTTINGHAM.

[P. 91.] Province of New Hampshire.

At a Council held at Hampton, the 22d day of October, 1703.

Present.

The Honourable John Usher, Esq. Lieut. Governor.

Wm. Partridge,	Esqs.	Nathl. Weare,	Esqs.
John Hinkes,		Henry Dow,	
Peter Coffin,		Saml. Penhallow,	

The Honorable John Usher, Esq. presented to this Board her Majesty's Letters Patents, bearing date at Windsor Court the 14th day of June 1703, constituting him the said John Usher, to be Lieut. Governor of said Province of New Hampshire, and determining the Commission of William Partridge, Esq. late Lieut. Governour of said Province, which was read at this Board.

Ordered, that the Secretary give the Accustomed Oaths to the said John Usher, Esq. Lieutenant Governour as aforesaid.

JOHN USHER, Esq. Lieut. Governor of said Province, took the oaths appointed by law instead of the Oaths of Allegiance and Supremacy, and subscribed the Test and Declaration appointed in such Cases.

The Honble the Lieut. Governor acquainted this Board that he was a stranger to the present affairs of this Province, and therefore desired this Board to let him know if there were anything to be done proper for her Majesty's service, or the good of this Province, he should be very ready to take care about the same.

[p. 92.] Mr. Weare signified that there were several men belonging to Hampton working at her Maj'tys Fort, had been there a considerable time, prayed that they might be drawn off.

Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday the 27th October, 1703.

Present.

The Honourable John Usher, Esq. Lieuten^t Governour.

Wm. Partridge,	Esqs.	Peter Coffin,	Esqs.
John Hinkes,		George Jeffrey,	
Robert Elliott,		Saml. Penhallow,	

Henry Dow, Esq.

William Partridge, Esq. made a motion to the Honourable, the Lieutenant Governour at this Board, that he having a Ship in the River which wanted to be fitted to sea with all expedition, and required his daily attendance upon her, he being bound a voyage to England, desired that he might be dismissed as being a member of this Board; which his Honour granted, and accordingly he is dismissed as being a member of this Board.

His Honour the Lieut. Governour proposed to this Board, that whereas there are but two soldjers belonging to her

Majesty's Fort Wm. and Mary at New Castle, under the Queen's pay are not sufficient for the safeguard of said Fort, therefore thinks it highly reasonable that there be four men more added to the said Fort as Soldjers under the Queen's pay, to make the number *six*.

[p. 93.] Ordered, at this Board that there be four men entered into the Queen's pay from tomorrow morning as souldjers, (besides the persons already entered into pay) and to continue there at said Fort, one month from this present day.

His Hon^r the Lieut. Govern^r acquainted this Board that there is wanting at her Majesty's Fort at New Castle paper fitting for Carthrages for the Great Guns, there being neither paper nor Canvis.

Ordered, that the Treasurer forthwith provide a Rimm of sufficient Cartharidge paper for the great gunns at said Fort, and pay for the same out of the Treasury.

His Hon^r the Lieut. Govern^r also acquainted this Board that there are wanting to the Fort Boat one Graplin, and six Oars.

Ordered, that the Treasurer with all expedition provide the same, and pay himselfe out of the Treasury.

His Hon^r the Lieut. Govern^r alsoe acquainted this Board that there is wanting at the Fort, wood and lights.

Ordered, that wood and oyle for light sufficient for the said Fort be provided for out of the Treasury.

Ordered, that the Selectmen and Militia Officers shall have full power in each town of this Province, if they shall see meet, to order all corn and grain to be brought under the safety of some Garrison in the town where the Owners thereof shall live ; and in case any person shall refuse to bring in the same accordingly, that then it shall be in the power of said Selectmen and Militia Officers to cause the said corn and grain to be Secured as aforesaid, and shall pay the charge accrued out of the said Corn and grain.

[P. 94.] Province of New Hampshire.

At a Council held at Portsm° the 4th day of November, 1703.

Present.

The Honourable John Usher, Esq. Lieut. Governour.

Robert Elliott, Peter Coffin, } Esqs. George Jeffrey, Saml. Penhallow, Henry Dow, } Esqs.

The Honourable the Lieut. Governour produced to this Board the petition of Nathanl. Fryer, Esq. desiring to be dismist as a member at this Board, by reason of his old age and infirmities not capable to attend her Majestys service, which was granted him and he is accordingly dismist from being a member of this Board. (1)

Ordered, that all the former Treasurers of this Province, whom it concerns, bring in their accounts to this Board by Tuesday next, from the 16th May 1694, to May 1700, that they may be accounted for in order to pass under the Deputy Auditors hand, and that said accounts be brought in due forme.

The Lieut. Governour acquainted this Board, that there was letters from Whitehall, that all the Records of this Province, with several Files of papers should be lodged and remaine in the Secretary's hands of this Province.

Mr. Saml. Penhallow who now hath the keeping of the

(1) For many years, NATHANIEL FRYER, Esq., was a leading man, and one of the most useful in the Province. He resided at Great Island: was a Selectman of Portsmouth, at different times, eleven years; County Treasurer in 1668, which office he probably held till 1680; in 1678 was a Commissioner to treat with the Indians at Casco; in 1683 was appointed a Councilor, and Assistant of the Court of Common Pleas. He opposed the conviction of Rev. Joshua Moody for refusing to administer the sacrament to Cranfield. In 1689, after the overthrow of Andros, he was elected a deputy from Portsmouth to a proposed Convention, to agree upon some form of government. He was one of the Council under Gov. Samuel Allen, 1692. In 1695, he was President of the Council. In 1693, was appointed Chief Justice of the Court of Common Pleas; in 1697, Judge of Probate. He was one of the signers of the "Association, 1697, to stand by the Protestant succession." Mr. Fryer died August 13, 1705 "after long illness and weakness,"—age unknown. He left one or more sons, but nothing is known of his descendants of his name.—ED. [See "Notices of Councilors, by Hon. S. D. Bell," Coll. N. H. Hist. VIII. pp. 352-356.]

said Records acquainted this Board that the same were put into his Custody by an order of Lieuten^t Governour, Council and Representatives.

Ordered, that the said Samuel Penhallow produce such order to this Board at their next sitting.

His Honor the Lieut. Governour having proposed to this Board the removal of John Hinkes, Esq. from his post as Captain of her Maj'tys Fort for several reasons: It is the opinion of the Council, that in case his Hon^r the Lieut. Govern^r should make any alteration or removal of the Captain of said Fort, that they think Mr. Shadrach Walton a very fit and proper person to receive a Commission as Capt. of the same.

[P. 95.] Ordered, that John Cotton and Ephraim Maustin be paid out of the Treasury in course, for their going Post to Boston, and that they bring in their Debenter to the Secretary, how much they demand.

His Honour the Lieut. Governonr sent Mr. Secretary for Colonel Romer to come to this Board, and acquainted him that there were several impressed men at her Maj'tys Fort to attend Colonel Romer's orders; and that considering the season of the year the said impressed men could doe noe work at said Fort: therefore advised with said Romer whether it were not proper to dismiss the impressed men and to press noe more for that service till next Spring; unless Colonel Romer should have any especial occasion at said Fort for men for her Maj'tys service. Colonel Romer was of the opinion it was very proper to dismiss the impressed men, and to press noe more for that service till next Spring.

Ordered, that the impressed men at the Fort be dismist accordingly.

Ordered, that there be two men impressed at New Castle to serve as soldjers at the Fort.

[P. 96.] Province of New Hampsh^r.

At a Council held at Portsmouth, on Thursday, the 9th of November, 1703.

Present.

The Honor^ble John Usher, Esq. Lieut. Governour.

Robert Elliott, Peter Coffin, } Esqs. George Jeffrey, Saml. Penhallow, } Esqs.

Henry Dow.

His Honor the Lieut. Governour was pleased to order Mr. Secretary Story to read at this Board some part of her Maj'tys Instructions given to his Excellency Joseph Dudley, Esq. Governour of said Province, &c. viz.

That in the absence of any of her Majestys Council above the space of twelve months, without leave, or that any of them continue absent for the space of two years, or the greater part thereof successively, without leave, to be null and voyde as members of said Council, &c.

Ordered, That an oath be tendered and given to the Lieutenant Governor and Council for the Administration of Justice in all Causes that shall come before them, by way of appeal from her Majestys Superior Court, &c.; and the same oath to be given to all succeeding Members of her Majesty's said Council.

His Honour, the Lieut. Governour, was also pleased to order Mr. Secretary Story to read to this Board another part of her Majestys Instructions, given to his Excellency Joseph Dudley, Esq. Governour &c. relating that in the absence of the Governour and Lieutenant Governour out of this Province, the Council have the administration of the Government, &c. but not to pass Acts, &c., unless for the keeping the Queen's peace, &c.

The petition of Elisabeth Wybird, relating to Mr. Sampson Sheafe's seizing of four baggs of Cotton wool, &c. in the year 1701, and there having been several trials about the same at her Majesty's Inferiour and Superiour [P. 87.] Courts of this Province, and at last Ordered by Lieut. Gov-

ernour Partridge and Council to be tried at a Court of Admiralty, was read at this Board.

Ordered, that Mr. Secretary Story, give notice to Mr. Sheafe to attend this Board tomorrow morning, by ten of the clock, to answer the said Petition.

The Petition of Tobias Langdon was read at this Board, setting forth that he having the Command of one of the Companies of Militia in the town of Portsmouth, did carry his company to the Training field to exercise them; and finding a fence about said field, did with the concurrence and consent of the Militia officers of the other company belonging to said town, and his own, remove said fence out of their way: whereupon Wm. Cotton who set up said fence made complaint to Lieut. Governor Partridge and Council, who were pleased to Amerce your petitioner two pounds ten shillings Costs, to pay the said Cotton, and did order Execution to be issued forth against your Petitioner who is made liable to pay the same without having the benefit of the Law and liberty of a subject, to be tried by his Peers in a legal course:—Prays that he may be acquitted of said Cost, or at least that the Execution be suspended until William Cotton, legally make out his title to the said Training field, which hath been occupied for that use about forty years, &c.

Ordered, that Mr. Secretary give notice to Mr. Wm. Cotton, to attend this Board tomorrow morning, ten of the clock.

Province of New Hampshire.

[P. 98.] At a Council held at Portsm° the 10th day of November, 1703.

Present.

The Honourable John Usher, Esq. Lieut. Governour &c.

Robert Elliott, Peter Coffin, } Esqs.

George Jeffrey, Saml. Penhallow, Henry Dow, } Esqs.

The petition of Capt. Robert Eason was read at this Board, relating to his being abated in paying a quantity of powder for said Ship before she be cleared, &c. She being in her Majesty's service &c.

Mr. Sheafe appeared according to summons and owned the substance of Elizabeth Wybirds petition, and this Board having seriously considered said petition,

Ordered, that Mr. Secretary Story, make out a Writ of delivery directed to the Deputy Collector of her Majesty's Customs within this Province, to deliver the four baggs of Cotton Wool mentioned in said petition to the petitioner Elisabeth Wybird, she first giving in sufficient security to her Majesty, that in case the said Wool shall become forfeited by any sentence or Decree of the Judge of the Court of Admiralty, before whom the same was tried, within three months after the date hereof, to pay to her Majesty the value of said Cotton Wool according to apprisement by three just and honest men; but if no sentence or decree pass for the forfeiting of the said Cotton wool, at said Court of Admiralty, within three months as aforesaid, the same having laid undetermined after trial in said Admiralty Court ever since last February, that then the said Bonds so given by the Petitioner to the Queen, shall be null and voyde and delivered up.

Mr. Samuel Penhallow appeared at this Board and delivered in the several orders of Council and General Assembly relating to his being Recorder, and having Records put into his hands.

[P. 99.] The Honourable the Lieut. Governour delivered in to this Board an account of what Books of Records, files &c. were put in Major William Vaughan's hands, formerly Recorder, and now in Mr. Penhallow's hands;—List upon file.

Ordered, that Mr. Secretary Story write to his Excellency that this Board humbly offers, that as Captain Eason intends the latter end of this month to sail for England, that

his Excellency would be pleased to order an Assembly to meet some Convenient time before said Eason's departure, in order to lay before her Majesty the present state of the Province.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o}, on Wednesday, the 22^{d} December, 1703.

Present.

The Honble John Usher, Esq. Lieut. Govern^{r}.

John Hinkes,	Esqs.	Nathl. Weare,	Esqs.
Robert Elliott,		Saml. Penhallow,	
Peter Coffin,		Henry Dow,	

His Excellency's letter directed to the Honble John Usher, Esq. Lt. Govern^{r} &c. dated at Boston 13th December, 1703, setting forth whether it is best to labor this winter upon the Ice to beat up the Indian enemy's headquarters, or not &c.; and to take the advice of her Majestys Council here, and to enter a minute of their humble advice about the same, was read at this Board, And then the Honble the Lieut. Govr, made the foll^{g} speech as upon file, &c.

Gentlemen—You are called, upon account of his Exellency's letter to be communicated to you, which having been done, you see the purport thereof is for the security of the Country as to the Enemy; that which is recommended to you, is for your opinion and advice whether best to visit the Indian enemy this winter season at their head Quarters. Upon your desire the Govern^{r} with force and your [p. 100.] readiness to assist the same with expedition, shall be forwarded to him.

I will say it ever have been judged the best season in the winter to go to the Enemy's head Quarters, there to engage them, by which means they may be prevented from attacking the Frontiers, and they most annoyed; that formerly was soe judged, witness the Narragansett Attack and Sir Edmund Andros' curbing the Enemy.

Its known well the enemy cannot be pursued soe well in the Spring as in the Winter.

If the enemy be not visited now, judge they will soon visit these parts; and if not an army out they may soon be in our Bowels;—so desire your opinion and advice in whats recommended unto you.

It is the humble opinion of this Council that for her Majestys immediate service and for the security of her Majesty's subjects, that the forces abroad be continued, and that there be an addition ordered, and that this Board humbly desires his Excellency, Joseph Dudley, Esq. Governour, &c. would be pleased to order said forces with all expedition possible to march to the Indian enemy's head Quarters, being the only thing that in all probability under God, may secure our Frontiers and preserve the subjects. And that this Board at all times shall be ready and willing to give their assistance.

[P. 101.] Province of New Hampsh^{r}.

At a Council held at New Castle, the 28th December, 1703.

Present.

The Honourable John Usher, Esq. Lieut. Govern^{r}.

Saml. Penhallow, } Esqs.
Robert Elliott, } Esqs. John Plaisted, Esq.

His Hon^{r} the Lt. Govr was pleased to acquaint this Board that on Thursday next, he designs for Boston; and therefore desires to know whether this Board hath anything to offer before his departure, for her Maj'tys service.

Answered, that at present they know of none.

His Honor the Lieut. Govern^{r}, acquainted this Board that he hath sent a scout of twelve men out at the heads of the rivers for ten days, and that he hath given orders to all the Commanders of the Garrisons (having lately visited them,) that the inhabitants all repair to their several Garrisons to do their duty, &c.

His Hon^{r} made the following speech:—

Gentlemen—I was formerly above four years in the Province, taking care of the same; my expense all out of my own Estate; in the year 1696, I demanded of Council and Assembly sitting, if I had taken any wrong Methods, or there was any ill management of affairs relating to good of the Province in Government.

Answered, knew of none but for good of the place.

His Excellency, being at Boston, at my arrival which required my going thither, I speedily returned and entered on the Government. Since my coming have visited all the Frontiers, gave directions whats proper, and all at my own expense and charge, which is not small.

There has been an Assembly and before them laid the state of the Province, demanded money for necessary charges of the Province, they refused to raise any.

I have desired a House to be provided for me, that refused; look upon it strange, when I find there has been money issued out of her Majestys Revenue to your former Lieut. Governour some hundreds of pounds, and no account of disbursements by him for the same, neither any care taken for her Majestys Fort and security of frontier Garrisons.

I have been here about one quarter of a year, and noe provision made for me here. I acquaint you Gentlemen, I am going to Boston, shall there stay until either the Province doth make provision, or till hear from England.

The Government in absence of Govern^r and Command^r-in-chief, or Lieut. Govern^r, being in the hands of the Council; you the Council are to render an account of all affairs for the Province to the Govern^r and Commander in Chiefe, from time to time.

Province of New Hampshire.

At a Council held at Portsm^o, on Thursday, the 20th January, 1703-4.

Present.

The Honorable John Hinkes, Esq. President.

Peter Coffin, George Jeffrey, Saml. Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

His Excellency's Letter of the 10th of January, instant, was read at this Board relating to 50 men to be sent out for

tenn days, and for the encouragem[t] of Volunteers, upon the Acts of Assembly in the Province of the Massachusetts Bay; which Acts gives encouragement to pay 32[lb] per head for every Indian scalp, &c.

[P. 103.] A Proclamation under the hand of his Excel[y] Joseph Dudley, Esq. our Governor, dated at Boston, the third instant relating to the encouragement of any Gentleman who would take Commission to raise a Company of Volunteers to go against the Indian enemy, &c. was read at this Board.

Ordered, that Mr. Secretary Story, write to Capt. Shadrach Walton, Capt. Winthrop Hilton,* and Captain John Gilman, Jun. that they may encourage the obtaining of Volunteers according to the abovesaid Proclamation, and that they attend this Board on Thursday next, at 12 of the clock, by noon, and give an account of their proceedings.

Adjourned, till Thursday next, 12 o'clock.

* Capt. Winthrop Hilton, of Exeter, whose name is here first mentioned, was the eldest son of Edward Hilton, and grandson of Edward, the first settler of the name in that part of the Province of New Hampshire called *Dover Neck*. His mother, Ann, was a daughter of Rev. Samuel Dudley, of Exeter, and grand-daughter of Gov. Thomas Dudley, of Massachusetts. He was born about 1671. May 17th, 1689, he received a Commission from Gov. Allen, as Lieutenant of the Troop of Horse, and became, after Col. Richard Waldron, the leading military man of the Province, and had the chief command in one or more of the expeditions against the Eastern Indians. "Hilton was formed by nature for a warrior. He was above the middling size, tall, muscular, active and well formed—among the most fearless of the brave, the most adventurous of the daring." He had a garrison on his farm, and his neighbors looked to him for counsel in difficulty, and protection in danger. For an account of his character and life, see *Hist. Coll.* Farm. & Moore, vol. 1, pp. 241-251, and *N. E. Gen. Reg.* vol. 7, p. 51. He was killed by the Indians, in Epping, June 23, 1710. "A silver-headed cane once owned by Col. Hilton is said to be in possession of the family of the late Hon. John Kelly, of Exeter."—ED.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o} by adj^{t} on Thursday, the 27th January, 1703-4.

Present.

John Hinkes, Esq. President.

George Jeffrey, Saml. Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

Capt. Winthropp Hilton and Capt. John Gilman, Jun. appeared at this Board by virtue of a Letter from Mr. Secretary Story pursuant to an order of Council relating to Volunteers going forth against the Indian enemy &c.; and gave the foll. acc^{tt}.

Capt. Gilman gave in a list of 20 Volunteers, and was in expectation of 12 more ready to go agst the enemy by latter end of next week, besides officers; and acquainted this Board that several Gentlemen in Exeter have subscribed to the purchasing of thirty pair of Snow Shoes, which are daily preparing to be fitted; and also says, there will be wanting some provision and Blanketts, a Pilot and a Doctor.

[P. 104.] Doctor Israel March appeared at this Board, and offered his service provided he could have a permit from his Excellency.

Lieut. Samuel Chisley, adviseth of 40 or 50 volunteers from Dover and Oyster River will be ready to List under his Conduct as Captain; that they have upwards of 30 p^{r} of Snow Shoes and Racketts * already made; that their principal want will be for a further supply of Snow Shoes and some Bread.

Capt. Winthropp Hilton alsoe appeared and readily offered his service to goe agst the enemy; but thro' the neglect of the officer in carrying the Letter sent him, which he rec^{d} but last night, was not capable of making any essay

* A kind of snow-shoe.—*Web. Dic.*

in getting volunteers, Whereas otherwise he should; And is now of the opinion that there being a Company already goeing from that Town, it would too much weaken it if he should make attempt.

Col. March, who this day came from Hampton adviseth this Board that Lt. Joseph Swett hath beat up for Volunteers, and that he hath dependence of 39 or 40 men from thence, and as many Snow-Shoes as men, will be ready to march by latter end of next week;—only shall be in want of Provisions.

Ordered, That Mr. Secretary Story, issue forth orders to the several Captains of Exeter, Dover, and Oyster River, to appeare with their Company in each respective Town, next Monday, for the encouragement of Volunteers to be Listed under Capt. Gilman and Lt. Chisley, in order to goe ag^st^ the enemy.

Ordered, That the several Capt^s^ aforementioned attend the Council on Wednesday next, at 11 a clock, forenoon, and bring with them a list of the Volunteers.

Adjourned till Wednesday next, 11 a clock ante meridiem.

[P. 105.] Province of New Hampshire.

At a Council held at Portsm^o^, on Thursday, the 3^d^ February, 1703-4.

Present.

His Excellency Joseph Dudley, Esq. Governour, &c.

The Honorable John Usher, Esq. Lt. Govern^r^, &c.

John Hinkes,	Esqs.	George Jeffrey,	Esqs.
Peter Coffin,		Saml. Penhallow,	
Robert Elliott,		John Plaisted,	

Henry Dow, Esq.

Voted in Council, that the Gentlemen Volunteers going forth in this Expedition, be assured that this service shall be well accepted by the Government, and soe represented

by the Governour to the next Sessions of the Assembly, and that they be assured, that all wounded men shall be taken care of at the charge of the Province; that they will be Certain of the thirty two pounds per head from the Government of the Massachusetts, and that there is no doubt but the Assembly of this Province will make up the remainder of forty pounds; that Warrants be sent to the several Receivers of the Provisions in the several Towns, to deliver Provisions to the Captains in this expedition, in so much Bread and Flesh as shall be wanting, which shall not be accounted for:

That the Justice of Peace in the several parts be directed to Impress a Blankett for every souldjer that wants, which shall be returned at the coming home of the forces with allowance for the weare of it, unless paid for by the souldjer in case of a good success and Dividend; and that half a pound of powder and Shott be given out of the stores to every souldjer.

1st. His Excellency the Governour was pleased to return thanks to the Council, for their prudent care in the management of the Government, in the absence of himself and the Honourable the Lt. Governour.

His Excellency acquainted this Board that there was absolute necessity for calling an Assembly, he having Letters to Communicate to them from her Majesty.

Ordered, that an Assemby be called to sitt on Tuesday next, 10 of the clock, ante meridiem; and that Mr. Secretary issue forth a precept directed to the Sheriffe for the Election of Representatives in each Town, &c.

[P. 106.] Province of New Hampshire.

At a Council held at Portsm°, by adj^t, on Thursday, the 24th February, 1703-4.

Present.

The Honourable John Usher, Esq. Lt. Governour.

John Hinkes, Robert Elliott, } Esqs. George Jeffrey, Saml. Penhallow, } Esqs.

Henry Dow, Esq.

John Hinkes, Esq. appeared at this Board according to notification, to answer to the petition of John Cross, exhibited ag^st him, which petition was read at this Board, setting forth that there is due to him the 17th day of May last past, 26^lb for his wages as a souldjer at her Majesty's Fort W^m and Mary.

Capt. Hinkes answereth, that he paid John Cross all his wages due at the Fort Wm. and Mary, sometime in November, 1702: and denies that he owes him any wages since that time, he then discharging him from being any further a souldjer at said Fort.

James Phillipps petition was read at this Board, setting forth that he has four pounds due to him as a souldjer at the Fort Wm. and Mary to the 17th May last.

Capt. Hinkes answereth, said Phillipps hath no wages due to him as a souldjer at the Fort to the 17th May last past, as he knows of.

Mr. Thomas Packer's Debenter amounting to 1£: 6s: 7d, for entertaining an Express, and some friend Indians about making Indian Shoes &c. was allowed and ordered to be paid out of the next Province Rate in course.

Mr. Thomas Packer's Debenter, am° to eight pounds, for fire and candles for the Governour, Council and Representatives, in the year 1703; Allowed him six pounds, and ordered to be paid ut supra.

Ordered, that in case John Cross and James Phillipps see meet to go to common Law against any person for the re-

covery of any thing due to them for their wages at the Fort &c. that the Judges of any her Majesty's Courts in this Province be directed to allow them as *Informa pauperis*, &c.

Mr. Peter Whitmore, Commissary, his [P. 107.] accompt ball.—due 16: 7: 7, for provisions for Imprest Souldjers, was read at this Board, allowed, and ordered to be paid out of the next Province Rate in Course.

Col. Romer's letter being communicated to this Board, with Capt. Hinkes account, inclosed, said Capt. Hinkes did declare at this Board, that he expected payment for nothing in said accompt mentioned, but for provisions for the soldiers at the Fort Wm. and Mary; for which he hath delivered a particular account as upon file.

The Honourable John Usher, Esq. Lieut. Governour his debenter for his expenses in visiting the several Garrisons in this Province at several times, amounting to two pounds, five shillings, was read at this Board, allowed, and ordered to be paid accordingly.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o},
the 3rd March, 1703-4.

Present.

The Honourable John Usher, Esq. Lieut. Governor.

Peter Coffin, Robert Elliott, } Esqs. George Jeffrey, Saml. Penhallow, } Esqs.

Henry Dow, Esq.

His Hon^{r} the Lieut. Governour was pleased to acquaint ye Board that he was going to Boston upon some occasion of his owne, which lay before the Assembly of that Government, that he thought fit to let this Board know the state of the Province as he now leaves it, viz.—

That he hath lately visited some of the Garrisons of this

Province, and finde none in Garrison as the Law directs. Alsoe saith, that he lately gave a Commission to Captain Shadrach Walton for Capt. of the Fort Wm. and Mary, with orders to Capt. John Hinkes to deliver her Maj'tys stores belonging to said Fort; who refused to doe the same; therefore designs to leave the management of the said Fort under the care and Government of Lieut. Theodore Atkinson.

[p. 108.] His Hon^{r} the Lieut. Govern^{r}, delivered in a copy of what stores Nathl. Fryer, late Presid^{t}, rec^{d} from Captain Shadrach Walton, the —— —— 1696, which stores belonged to the Fort Wm. and Mary, at New Castle.

Francis Tucker's petition about two years rent, amo^{t} to eight pounds for store-room, for the stores of her Maj'tys Fort, from April 8th 1701, to 8th April 1703, was allowed, and ordered to be paid in course out of the next Province Rate &c.

His Hon^{r} the Lt. Govern^{r}, Communicated to this Board his Excellency's letter, dated Boston, 1st March, 1703, relating to 7^{lb} be paid Colonel Packer, being a mistake or under payment made at the said Excellency's meeting ye Indians at Portsm^{o}, in January, 1702.

It is the opinion of this Board that the said sum of seven pounds is not a proper charge to this Province.

Province of New Hampshire.

At a Council held at Portsm^{o}, on Thursday, the 16th March, 1703-4.

Present.

The Honorable John Hinkes, Esq. President.

Peter Coffin,	Esqs.	Samuel Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
George Jeffrey,		Henry Dow,	

Pursuant to his Excellency's Letter of the 11th of March,

instant, the Honourable John Hinkes, Esq. President, ordered a Council to be this day called, who accordingly met; which letter was communicated to this Board, signifying that Major Hilton had been at considerable charges for encouraging and mustering the Volunteers that followed said Major Hilton in the late Expedition against the Enemy, desiring an order might be made to present said Major Hilton with ten pounds in part of the charge, &c.

This Board having inquired of Mr. Treasurer, if there were any mony in the Treasury answered there was none. [P. 109.] Its therefore thought very proper that the consideration of said Letter be referred till next Session of the Assembly, and to be then laid before that Sessions; and this Board will be ready and willing to show their forwardness for the granting of the said present of ten pounds, and further to encourage all Gentlemen Volunteers, that shall goe out in the like manner against the common Enemy.

His Hon^{r} the President acquainted this Board that there was noe wood at the Fort; therefore, there could be noe watch kept without wood; and if this Board would take care for wood, he would take care to see a good watch kept.

Ordered, That the Treasurer provide four load of wood for the Fort, and that he be paid for the same out of the Treasury accordingly.

Province of New Hampsh^{r}.

At a Council held at Portsm^{o}, on
Monday, the 27th March, 1704.

Present.

John Hinkes, Esq. President.

George Jeffrey, Esq. Saml. Penhallow, John Plaisted, } Esqs.

The Council, understanding that his Excellency the Gov-

ernour intends a speedy expedition eastward ag^st the French and Indian Enemy, and has ordered Major Winthropp Hilton to list a party of Volunteers within this her Majesty's Province for the aforesaid service:*

Ordered, that the Secretary give notice with all possible expedition, to Captain Henry Dow, and Capt. Jacob Green of Hampton, that they muster their several Companies under their respective Commands on Monday next, being the third of April, by ten of the clock in the forenoon, and that Major Winthropp Hilton, or such as he shall employ, may have liberty of listing Volunteers for the service aforesaid. And that [P. 110.] Capt. John Woodman, Capt. John Tuttle and Capt. John Knight, of Dover, &c. muster their several companies at the Meeting House on Dover Neck on Wednesday, the fifth day of April next, by ten of the clock in the forenoon; and that Capt. John Tuttle be desired then and there to take a list of such as shall enter themselves Volunteers in the service aforesaid, and make return to the Council of his doing therein; And that Capt. John Pickerin and Capt. Tobias Langdon, of Portsmouth, muster their several Companies at Strawberry Bank, on Thursday, the sixth day of April next, in order to list Volunteers under the Command aforementioned. And that

* *Letter from Gov. Dudley to Major Hilton.*

[Hist. Coll. Farm. & Moore, vol. 1, p. 244.]

"Sr—I intend with the blessing of God to raise a very considerable force to range the Eastern shore to destroy the enemy, and would be ready to march by the last of this instant. If you please to take to your assistance, Gilman and Coffin, my very good officers, and raise me a number of Volunteers to be ready against the time, they shall have all encouragement in the service—ammunition given them and sloops to convey them, and the premium for the enemy destroyed, that the Assembly of this Province have or shall give them. I desire you to proceed with all vigor in the affair, and let me hear from you by every post."

"I am, Sir, your
affectionate Uncle,
J. DUDLEY."

Boston, 12 March, 1703-4
For her Majesty's service.
To Major Hilton, Exeter.

[Major Hilton's mother was a daughter of Rev. Samuel Dudley of Exeter,—brother of Gov. Joseph Dudley.—ED.]

Capt. Winthropp Hilton, and Captain Theophilus Dudley muster their several Companies at Exeter, on Thursday, the 28th instant in order for the listing of such Volunteers as will enter themselves under the Command of said Major Hilton for the service aforesaid.

Province of New Hampshire.

At a Council held at Portsmouth, on Sunday,* the first day of April, 1704.

Present.

John Hinkes, Esq. President.

Robert Elliott, George Jeffrey, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency Joseph Dudley, Esq. our Governour his letter of the thirtyeth of March, last relating to the proroguing the Assembly till the first Tuesday being the second day of May next, having been read, It was by this Board Ordered, That the Secretary signifie the same with all possible speed to the several members of the Assembly, that they are prorogued accordingly.

[P. 111.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday the 20th April, 1704.

Present.

The Honourable John Hinkes, Esq. President.

Peter Coffin, George Jeffrey, } Esqs. Samuel Penhallow, Henry Dow, } Esqs.

His Excellency, Joseph Dudley, Esq. Governr &c. his letter of the 15th instant and postcript of the 16th instant,

* "Sunday" probably means Saturday. See subsequent date.—Ed.

intimating his Excellency being surprised to hear there is noe appearance of Volunteers for the Expedition upon soe honourable a premium offered by the Massachusetts Government, to goe against the French and Indian enemy, &c. desiring every person in his station to put it forward &c. as also that he hath news from Port Royal that the Enemy may be expected the beginning of May, in a great number, directing this Board to be very diligent upon the Frontiers, to Scout &c. was communicated at this Board.

Ordered, that Mr. Secretary write to the several Capt^{s} of this Province requiring them to call their several companies together on Monday next, and to intimate to them that his Excellency is surprised to heare there is noe appearance of Volunteers, Considering the great premium the Massachusetts Government offers: And that the said Capt^{s} use their utmost endeavours to procure what Volunteers they can, to goe with all expedition agst the French and Indian Enemy, at Port Royal; it being highly reasonable for a proportion of Volunteers to goe out of this Province considering several hundreds are going out of the said Massachusetts Government upon such Expedition; and further, we being covered with a great number of forces out of the same; and this Expedition being forwarded will probably under God, prevent the enemy's attacking us this Summer; and that the several Capt^{s} make returne of their doings herein to the Secretary by Thursday next at furthest.

Ordered, that the Secretary also write to the several Capt^{s} of this Province, that all Frontiers be forthwith in Garrison, and that diligent scouting, watching, & warding, at their utmost peril, be constantly and strictly observed and kept upon the Frontier for fear of a speedy attack by the French and Indian Enemy.*

* See Farm. Belk. pp. 168-169.

[P. 112.] Province of New Hampsh^r.

At a Council held at Portsmouth, on Friday, the 28th April, 1704.

Present.

George Jeffrey, Saml. Penhallow, } Esqs. John Gerrish, Esq.

His Excellency's Letter of the 24th instant, setting forth that he doth prorogue the Assembly of this Province till Wednesday the 24th of May next, having been communicated to this Board;—

Ordered, That the said Assembly be prorogued accordingly, and that the Secretary issue forth Proclamations to the several towns in this Province for proroguing the said Assembly, till the 24th of May next.

Province of New Hampsh^r.

At a Council held at Portsmouth, on Saturday, the 29th of April, 1704.

Present.

John Hinkes, Esq. President.

Robert Elliott, George Jeffrey Saml Penhallow, } Esqs.

The Honourable John Hinkes, Esq. communicated a Letter to this Board from Isaac Addington, Esq. by order of his Excellency Joseph Dudley, Esq. Governour, &c. relating to the registering of all Frenchmen, &c. and that all French Roman Catholicks be forthwith made prisoners of War.

Ordered, that all Frenchmen residing within this Province be registered, and they put under such a Regulation, that if at any time after they be convicted of holding Correspondence with the French & Indian enemy they may without dispute be proceeded with as Englishmen should

be under the like circumstances, and that all French Roman Catholicks be forthwith made prisoners of War.

[P. 113.] Ordered, alsoe, That the Secretary give notice to the Sheriffe hereof in order that he make inquiry of all French Roman Catholicks, as alsoe other Frenchmen residing in this Province, and to return a list of their names into the Secretary's Office in 14 days time; and in what town and family they live in &c. and that he take the French Roman Catholicks Prisoners of War.

Ordered, that the Secretary give notice to all the several Captains of the Militia Companies within this Province, to attend in Council on Tuesday next, at Portsmouth, by 12 of the clock at Noon at the usual place of meeting in Council for her Maj'tys especial service.

Province of New Hampshire.

At a Council held at Portsm°, on Thursday, the 2d day of May, 1704.

Present.

John Hinkes, Esq. President.

Robert Elliott, George Jeffrey, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

The several Militia Capts of this Province, having appeared at this Board, (excepting Capt. Dow and Capt. Woodman,) the Council thought meet to acquaint them that considering it was a very troublesome and dangerous time, and the Enemy might be Expected daily upon us, they had therefore called them to attend this Board, and desired them to give this Board their opinion what method was fittest to be taken for the security of the Province, to prevent the public Enemy attacking us by Land or by Sea; and to goe and consult together and deliver their opinion in writing to this Board.

The Major part of the Capts present as above, made their

returns under their hands, that they knew no better way than watching, warding, scouting, &c. upon all the Frontiers by Sea and Land, &c. as upon file.

Ordered, that three men be forthwith Imprest to keep constant scouting and watching by night, [p. 114.] (till further order)—strictly and constantly betwixt Rendezvous* point at Little Harbor, and Little Boars Head, for the observing the motion of the Enemy in making any attack upon this Province. And that Thomas Westbrook, of Portsm° who offers himself to serve her Majesty in scouting and watching betwixt the places abovesaid, be Corporal over the said three men, and that they observe said Westbrook's orders and directions, as the said Thomas Westbrook shall receive from his Excellency our Governour, or the Commander-in-Chief for the time being, from time to time at their peril, and that the Secretary issue forth orders to Capt. Pickerin for impressing one able man out of this Town, and also to Capt. Dow, to impress two men out of Hampton, for the service aforesaid, with provision, Arms and Ammunition for scouting as the Law directs; to be ready on Monday next, at the house of John Fosse's at Sandy Beach, by 12 of the clock at furthest.

Ordered, that all listed Troopers within y^s Province doe duty in Watching, warding and scouting, in the several Towns they live in; and to be ordered so to doe by the several Capt^s of the Militia Company's in each Town till further order.

Province of New Hampsh^r.

At a Council held at Portsmouth, the 12th of May, 1704.

Present.

John Hinkes, Esq. President.

George Jeffrey, Esq. Robert Elliott, Saml. Penhallow, } Esqs.

* "Rendezvous"—Comp. p. 83, Vol. I. Prov. Rec.

His Excellency's Letter dated at Boston, the 5th instant relating to a General Fast to be kept throughout this Province was communicated to this Board.

Ordered, That Thursday the 18th day of May next, be appointed as a day of Publick Fasting and prayer to be observed throughout this Province: humbly to implore the Divine Mercy for the preservation of her Maj'tys sacred person; that her just Arms with those of her Allies may be prosperous in the actions of this present year; that the forces in this Province, employed or to be employed in her Maj'tys service may by the good Conduct of Heaven [P. 115.] be succeeded in their just Enterprises, and our Enemies defeated; that the defence of Divine protection may be over our Sea Coast and Inland Frontiers; that our seed time and Harvest may be under benign influences of Heaven; that there may be a plentiful effusion of the Holy Spirit of God for a thorough Reformation of all those evils which are amongst us; that God may turn away His anger, and restore unto us a prosperous State; and that the Protestant interest may everywhere prevail throughout the world, &c. exhorting both Ministers and People in their respective assemblies, religiously to perform the duties required on such a day, with a becoming devotion; and all servile labor is forbidden thereupon; and that the Secretary send forth Proclamations accordingly to the several towns of this Province, &c.

Province of New Hampsh^r.

At a Council held at Portsmouth, on Friday, the 19th of May, 1704.

Present.

His Excellency Joseph Dudley, Esq. Govern^r, &c

John Hinkes, Nathl. Weare, Robert Elliott, } Esqs.

George Jeffrey, Saml. Penhallow, John Plaisted, } Esqs.

Henry Dow, Esq.

Ordered, that John Bickford, ferryman, at Little Harbor in the Township of New Castle, and all ferrymen at that place for the time to come, be free from paying any Rate to this Province or Town of New Castle, and have privilege of selling Liquors free from Excise, as the Law directs; in consideration of which he is to ferry over all persons being inhabitants of the Township of New Castle, living on the same side of the river, where the ferryman lives, on all public days throughout the year free from paying any ferrage.

Mr. Penhallow his Debenter amounting to 8^{lb} 3^{s} 0^{d} for Bread and provisions for the Volunteers, March 9th last, was read at this Board, and allowed and ordered to be paid in course.

Ordered, that the Treasurers of the several towns bring in an account of the several sums raised for Volunteers, on Wednesday next, to this Board.

His Excellency the Govern^{r} declared the necessity of having some men raised in this Province, to join the other Province in the Expedition against her Maj'tys Enemies.

[P. 116.] Ordered, that if the Volunteers did not amount to sixty, the remainder should be taken by Impress, to be returned in three months, and accordingly his Excellency signed the Warrants in Council.

His Excellency the Govern^{r}, acquainted this Board that he had been advised of some disorders happening between the Foot and Horse Officers, during his absence, and after a full account thereof from the Gentlemen of the Council,

Ordered, that Mr. Secretary write forthwith to the first Officer in every town, that in all consultations for the service of her Maj'ty, the Horse Officer in the Town where they reside be always Called to the Committee of Militia, as being part thereof; and that he write to Capt. Vaughan requiring him to direct his Officers to doe equal duty in all Watching, Warding, Scouting with the Foot, according to his number in the several towns under their owne Officers.

And whereas several Fines have been laid by the Foot Officers upon the Troopers, and some of their Arms and other accoutrements have been taken by distress, That the same be immediately restored; and all pretence of such Fines soe illegally imposed, be laid aside, upon the danger to the officer refusing, to be dismist the service.

His Excellency then gave notice that he had rec^{d} from Whitehall the following Orders viz: upon file, relating to the Repealing two Acts &c. which according to his duty he gave the Council advice of, and directed Mr Secretary further to publish it in the next Session of the Assembly.

Province of New Hampshire.

At a Council held at New Castle, on Sunday the fourth day of June, about 8 in the evening, 1704.

Present.

The Hon. John Usher, Esq., Lieut. Govern^{r}, &c.

John Hinkes, Robert Elliott, } Esqs. George Jeffrey, Saml. Penhallow, John Plaisted, } Esqs.

His Hon^{r} the Lieut. Govern^{r}, made the following Speech, viz:—

Gentlemen—

The occasion of my calling you is to acquainte that I had a Letter from His Excellency, the 29th May, signifying for her Majesty's service my presence at Boston was desired this week; since which have received another of the first of June, signifying his pleasure to have the Pirate prisoner sent to Boston; also received a Proclamation relating to the Pirates, which is to be communicated to you, that the same be here published in every Town, and an [p. 117.] Order of Council from this Board that there may be observance and obedience yeilded to said Proclamation, at their peril will answer the Contrary.

His Excellency formerly laid before this Board and the Assembly, for providing Lodgings for myselfe. Assembly then was

pleased to have it recommended to a Committee to make a Report against next sitting of the Assembly, who have since sat, and noe care by them taken, soe that I cannot have lodgings for my entertainment as ought.

I likewise acquainte you that there are four Souldjers in pay at her Maj'tys Fort; and eight more Ordered to be there; pursuant to the Act as to Militia, two of the Souldjers of the Fort have above one years pay due for wages and provisions; they have not bread to eat; desire that due care be taken that six months provisions may be ordered them forthwith, else they must be dismist; and for security of the Fort shall leave Orders that be supplyed with men out of each Town to the number of twelve, and they to bring Arms, Ammunition and provision pursuant to Law.

I acquainte you Col. Romer is here in order for repairing the Fort which was in a ruinous condition; he has constantly been at the Fort from morning to night to put the same in a defensive posture; as he is invested with the Queen's Commission, and here for service of the Province, its expected and I shall not doubt in my absence all due care will be taken, he be assisted in all matters relating thereto; and be respected as he is a Gentleman and one invested with the Queen's Commission, whose being here is only for your security and well being.

His Excelleney having given orders for two small Block-Houses be provided for security at entrance Little Harbor, absolute necessary the same be done out of hand;—desire immediately due care be taken in providing timber for the same, that Col. Romer may give directions necessarily relating thereto.

Ordered, that the Proclamation mentioned in said speech be published tomorrow in Portsmouth, by beat of Drumm, and that copies of the same be sent by the Secretary to each Town in this Province, there to be published and posted up at their meeting-house doors by the Sheriffe in the principal Towns, and all persons are to show due observance and obedience to the same at their peril, &c.

Colonel Romer dd [delivered] in an account of what Timber &c. is of necessity to be procured in 14 days time for the Fort, as upon file.

This Board is of opinion that whereas the sole managem^t in Reformeing the said Fort, and the disbursing the

450lb raised for doing the same, is also in the power of said Col. Romer, that he would be pleased to purchase what timber he shall see proper; this Board will always be ready to advise and assist therein.

This Board humbly desires the Honble the Lt. Governr, to discourse His Excellency relating to Block Houses or Watch Houses to be erected for securing the entrance of Little Harbour.

[p. 118.] Ordered, that the Treasurer furnish the three Souldjers at the Fort, viz: James Phillipps, John Cross, and Francis Challott with six months provision each, and that he deduct the same out of their wages and subsistance due to them from said Province.

At a Council held at Portsmo on Thursday, the 8th June, 1704.

Present.

George Jeffrey, Saml. Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

Whereas a Sloop arrived here this evening from Mount Desert, with advice from Colonel Church, of 600 Indians that resolve an attack upon Casco Fort and the Heads of Piscataqua river, who may daily be expected,*

Ordered, that the Secretary write to the several Captains to call every person into Garrison, and if possible to bring in their Cattle, and that they keep a constant Scout, and observe all other duties of watching and warding that may be of advantage for their security.

* While they were at Mount Desert, Church learned from nine of his prisoners, that a body of six hundred Indians were preparing an attack on Casco, and the head of Piscataqua river; and sent an express to Portsmouth which obliged the people to be vigilant. No such great force as this appeared; but small parties kept hovering on the outskirts. At Oyster River, they wounded William Tasker, [*Tasket?*] and at Dover they laid in ambush for the people on their return from public worship, but happily missed their aim. They afterward mortally wounded Mark Giles at that place, and soon after killed several people in a field at Oyster river, whose names are not mentioned."—*Farm. Belk.* p. 169.

At a Council held at New Castle,
Sunday the 11th June, 1704.

Present.

John Hinkes, Esq. President.

Robert Elliott, George Jeffrey, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency's letter dated Boston, the 10th, intimatmating that Lorramore was turned Rogue, taken eight Pirates on Board against the Proclamation and his own assurances; desiring all possible means be taken to apprehend them and his Vessel, and advising our people to be very strict upon their watches and guards, and to drive the loose Cattle inwards from the Frontiers, with directions for putting some prisoners of War on board any Sloop going to Boston, and that two armed men at least be put on board with them, and to be set down at Boston Castle, was communicated at this Board.

Ordered, that a Sloop be immediately Imprest to send the prisoners forthwith away according to the above directions.

Colonel Romer delivered a memorial to this Board which was read and upon file.

Ordered, That his Excellency have a Coppy of said memorial sent him by the Secretary.

[p. 119.] Ordered, that all the inhabitants of Little Harbour and Sandy Beach, take their turns two or three in a night, to watch, and scout from Rendezvous Point along the Sea side till they meet with the Hampton Scouts, and to begin at midnight and continue till sun-rise; and that Mr. William Wallas have a due Inspection as Corporal over the same; In consideration of which duty, it is further Ordered, that the said several Inhabitants of Little Harbour and Sandy Beach be exempted from doing any duty at New Castle, unless upon an Alarm or an order from his Excellency or the Commander-in-Chief for the time being,

And that the Secretary send a Copy of this Order attested, unto the Commander of her Maj'tys Fort Wm. and Mary, at New Castle, and another to said Mr. William Wallas, ordering him immediately upon sight hereof, to see said watch and scout duely performed.

At a Council held at Portsmouth on Saturday about nine of the clock at night the 17th June, 1704.

Present.

John Hinkes, Esq. President.

George Jeffrey, Esq. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency Joseph Dudley's Esq. Governr &c. Letter from Boston by way of Express this day came to hand, about six in the afternoon, which was communicated to this Board, signifying that the Enemy in a Fleet of Canoes would be at Great Island in all probability in a few days in the night, and that he had Ordered 100 of the new forces to stop at said Island. Alsoe expected that this Board give Orders to the Militia of the Bank and Hampton, that the half of them goe down to Great Island, upon the notice of three great Gunns fired after dark, &c.

Ordered, that the Secretary, with all possible expedition, write to the several Captains of Portsmouth and Hampton that upon the firing of three great Gunns at Great Island any night after dark (till further order,) the said several Captains immediately upon such firing or Alarum send the one half of their companie to the relief of said Great Island with all Expedition, as they will answer the contrary at their utmost peril.

[p. 120.] Province of New Hampshire.

At a Council held at Portsmouth on Sunday the 18th June, 1704.

Present.

John Hinkes, Esq. President.

George Jeffrey, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Major Walton, having communicated to this Board a Letter from his Excellency directed to himself, dated at Boston, the 16th instant, that a Scout Shallop be immediately sent to cruise betwixt Cape Porpus and Little Harbour, to look out for the enemy and their Canoes:

Ordered, that the Secretary write to the Sherrife forthwith to impress a Shallop well fixed with sails, &c.; as alsoe three men to sail said Shallopp, and six Shallopp oars, and that the said Shallopp be forthwith sent about said expedition for her Majesty's service.

Ordered, that upon discovery of the Enemy's landing at Sandy Beach, that the Captain of the Fort, after notice given to him thereof, fire two great Gunns and one muskett which shall be accounted as an Alarum to raise the Country.

At a Council held at Portsm° on Friday, the 30th of June, 1704.

Present.

John Hinkes, Esq. President.

Robert Elliott, Esq. George Jeffrey, Saml. Penhallow, } Esqs.

His Excellency Joseph Dudley, Esq. Governor's, Letter dated the 27th instant signifying that he had desired the Lieut. Govern^r Usher, to return to this Province, that there may be a necessary command, and that it may be considered that Lodgings be provided forthwith for said Lieut. Govern^r at New Castle, was communicated.

It is of the opinion of the Council that they are not a full Board and therefore refer the consideration of said Letter till the first meeting of a full Council.

[P. 121.] Province of New Hampshire.

At a Council held at New Castle, on Friday, the 7th of July, 1704.

Present.

The Honble John Usher, Esq. Lieut. Governour &c.

John Hinkes, Robert Elliott, } Esqs. George Jeffrey, Saml. Penhallow, Henry Dow, } Esqs.

Ordered, that Mr Treasurer, provide Beds and Bedding for Souldjers at her Majesty's Fort Wm. and Mary, cloth for partridge* baggs, a Flag for said Fort, Junk for Wadding, Tar, Blacking &c. for the great Guns, and Oars and other necessaries for the boat belonging to the Fort, and that the same be paid for out of the 700^lb Act last raised, and that the Treasurer bring in his account to this Board of the charge.

His Excellencys Letter of the 3^d July 1704, directed to Mr. Secretary Story, in order to be communicated to this Board, was read, signifying that he had formerly writt to the Council about lodgings for the Lieut. Govern^r, and that he again desired that a proper reception be provided at Great Island for said Lieut. Governour, about the same.

Ordered, that the Treasurer with all possible Expedition, take two rooms at Great Island fitting for the entertaining of the Honourable the Lieut. Govern^r, with Lodgings at such house as he shall see meet, to be paid for at the Province charge, till the sitting of the next General Assembly; and that the Representatives be then acquainted with the same, in order for their consideration.

* Cartridge?

Ordered, That the Secretary issue forth a Warrant to the Treasurer for the payment of one pound, eighteen shillings, to the Honourable the Lieut. Governour, for his expense and charges in going out and coming into this Province for her Majestys' especial service, as far as Boston, in June last past.

[p. 122.] Province of New Hampshire.

At a Council held at New Castle, on Thursday, the 27th July, 1704.

Present.

The Hon. John Usher Esq. Lieut. Governr.

John Hinkes, Robert Elliott, Nathl. Weare, } Esqs.

George Jeffrey, Saml. Penhallow, John Plaisted, } Esqs.

Henry Dow, Esq.

Gentlemen—

The occasion of calling you at this present time is upon an unhappy account, of the disturbance of some of the Inhabitants of Hampton, the crime so great as to be in a riotous manner, for the which I thought meet to binde them over here to this Board, in order to have your advice about their being prosecuted for the same; the complaint having been made to me by way of petition of one Samuel Roby, which shall be read at this Board.

The petition of Samuel Roby was read as upon file.

Jacob Brown and Seth Fogg appeared, owned their examination to be truth, &c.

Daniel Lamprell appeared. Said he was with the company, but did not help to pull any fence down, but that he saw others pull down the fence.

Nathaniel Batchelor, John Redman, Abraham Drake, Symon Dow and John Gove appeared, and all owned that they had pulled down some fence near Samuel Roby's house, but knows not that the fence belonged to Samuel Roby, because it stands upon the Town Commons.

Ephraim Marstone, Jabez Dow, Robert Moulton, John Knowles, Junr. Christopher Page, Daniel Moulton, Jonathan Marstone, Samuel Nudd, Stephen Sanburn, appeared and owned what is mentioned in this examination.

Ordered, that all the persons aforenamed who are charged in Samuel Roby's petition for Riot, &c. be tried for said fact at the next Superior Court of Judicature, &c. that the Justices of said Court proceed according to Law in taking security for their appearance there.

[P. 123.] Province of New Hampshire.

At a Council held at New Castle, on Tuesday, the 1st of August, 1704.

Present.

The Honourable John Usher, Esq. Lieut. Governr.

John Hinkes, John Gerrish, } Esqs. George Jeffrey, Saml. Penhallow, } Esqs.

Whereas there is an Acct. that the Enemy designs to attack these parts, his Honr the Lieut. Governour proposed to this Board that a Shallopp be fitted out with tenn men in her to cruise betwixt Hampton and Cape Porpus, in order to make a discovery of the Enemy, if upon that coast, and that they be provided with arms, ammunition and provisions, and desired this Board to give their opinion to what he has proposed.

It is the opinion of the Gentlemen of the Council that a Shallopp be fitted out accordingly, and that application be made to his Excellency, that there be some men with Arms and Provision ordered out of the Massachusetts Governmt, towards manning the said Shallopp.

Ordered, that the Treasurer provide the Secretary with a Book fitting to enter the Minutes of Council and General Assembly fairly into.

[p. 125.] Province of New Hampshire.

At a Council held at Portsmouth, the 28th August, 1704.

Present.

His Excellency Joseph Dudley, Esq. Governour.

John Hinkes, Robert Elliott, Peter Coffin, Jno. Gerrish, } Esqs.

George Jeffrey, Nathl. Weare, Saml. Penhallow, John Plaisted, } Esqs.

Henry Dow, Esq.

The petition of Elizabeth Scott was read at this Board, setting forth that Samuel Penhallow and Thomas Phipps, Justices of the peace, had unjustly and contrary to Law proceeded in a case against her and fined her illegally, &c.

The said Samuel Penhallow and Thomas Phipps answereth, as upon file, that they never unjustly or contrary to Law proceeded in any case against her illegally, &c.

Upon reading the said petition and a full hearing of the Justices mentioned as above, the Council are of opinion *Nemine Contradicente*, that there is no lie nor defamation of Rimes in the whole evidence; and having observed several irregularities in the proceedings,

Doe order that the Justices in the next Quarter Sessions, to whom Mrs. Scott is referred by the bond of good behavior, doe in open Sessions declare the said recognizance void, and that the fine of ten shillings be thence restored to her, and also all Costs given to the parties persuing her, which if not done by the said parties, the said Scott is allowed her action for the same, and may show this judgment and Order in evidence, and that the Secretary give coppy of this order to the Gentlemen of the Sessions.

Upon the reading the petition of Francis Jennings, and a full hearing of the Judge of the Superiour Court mentioned in said petition,

Ordered, that the petition be referred to the Superiour

Court, who are directed without delay, to doe what to justice appertains that there be noe further complaint.

Ordered, that the Secretary signify to the Deputy Collector and Naval Officer that they bring in a List of all such fees as they usually, and according to Custom take, in the executing of their several offices.

[P. 126.] Province of New Hampshire.

At a Council held at Portsmouth, on Saturday the 16th September, 1704.

Present.

George Jeffrey, Saml. Penhallow,	Esqs.	John Plaisted, Henry Dow,	Esqs.

Pursuant to his Excellency's Letter of the eleventh instant, directed to Mr. Secretary Story, intimating that there were four Frigotts and two Merchantmen at Port Royal who would *mediate* [?] something and most probably in Piscataqua River, therefore desired and requested the Council, that whatever Colonel Romer should demand for fifteen or sixteen days, to put the Fort in a posture of defence, should be given him. The Secretary summoned the Council and said Letter was communicated at this Board.

Colonel Romer sent a Memorial to this Board which was read, as upon file.

There not being a full Council, this Board adjd till Monday, tenn of the clock, ante meridiem at New Castle.

Province of New Hampshire.

At a Council held at New Castle, on Monday, the 18th September, 1704.

Present.

John Hinkes, Esq. President.

George Jeffrey, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency's Letter of the 11th instant directed to Mr. Secretary Story, relating to putt her Majesty's Fort into a posture of defence, was this day again communicated to this Board.

[P. 127.] Whereas there is an absolute necessity for a considerable number of laborers and Carpenters to be impressed out of the several towns of this Province, for the immediate putting her Maj'tys Fort William and Mary into a posture of defence:

Ordered, That the Secretary issue forth a Warrant to the Sheriffe of said Province, requiring him immediately upon sight thereof, to impress thirty six Laborors, and twelve Carpenters, out of the several towns of this Province including those now at work at said Fort, till their tenn days are out.

Hampton,	Labourers, 10. Carpenters, 3.	Exeter,	Labourers, 8. Carpenters, 3.
Portsm°	Labourers, 8. Carpenters, 3.	Dover,	Labourers, 7. Carpenters, 2.
New Castle,	Laborers, 3. Carpenters, 1.		

to be sent down to her Majestys said Fort, there to labor and work, eight working days according as they shall be directed by the Honorable *Wolfgang* Wm. Romer,* Esq. her Majestys Chief Engineer. And further, that thirty six

* "Wolfgang Wm. Romer, Esq," who was Chief Engineer for his Majesty in New Hampshire, served also in the same office in New England and New York. In Vol. IV. of Doc. Col. Hist. of N. Y. is a full account of his various services.—Ed.

more Laborers and twelve Carpenters be Imprest as above-said, to relieve the former at the end of the said eight days; and they also to work eight days at said Fort as aforementioned. And in regard there are to be so many Labourers and Carpenters at the said Fort, it is further ordered, that the number of soldiers there be reduced to the number of four, who are now actually in pay.

[P. 128.] Province of New Hampshire.

At a Council held at New Castle, on Friday, the twenty-second day of September, 1704.

Present.

John Hinkes, Esq. President,

George Jeffrey, Saml. Penhallow, Esqs.

His Excellency the Governor sent a Copy of a Letter to be Communicated to this Board, from His Royal Highness, Prince George, of Denmark, Lord High Admiral of England, Ireland, &c. and of all her Maj'tys Plantations &c. and Generalissimo of all her Maj'tys forces, &c. dated the 4th of March, 1703-4, importing a Treaty lately concluded with Algiers by Rear Admiral Bings, with the copies of an Article therein contained, viz: That Certificate be given by the Governours of her Maj'tys Plantations in America, &c. to the Master of Merchant Shipps built in the Plantations, and to such prizes as shall be taken, and requiring and directing his Excellency to take special care to comply with what is therein directed, as to what relates to his part.

Ordered, that notice thereof be given by posting up the order in some publick place in Portsmouth, and in the Collectors Office, and Naval Office in this Province: And the officers are hereby ordered to direct all Masters of Ships and Vessels bound to any part of Europe, to attend his Excellency for such Certificate accordingly.

[P. 129.] Province of New Hampshire.

At a Council held at Portsmouth, on Friday, the 6th of October, 1704.

Present.

The Honourable John Usher Esq. Lieut. Govern^r.

John Hinkes, Peter Coffin, George Jeffrey, } Esqs. Samuel Penhallow, Henry Dow, } Esqs.

The twenty Indians voted by the last General Assembly to be sent into this Province by his Excellency the Governor, &c. in order for scouting, &c. being now sent by his said Excellency for that intent,

Ordered, that they be kept out from time to time, in scouting in the woods, and that the Treasurer supply them with provisions, and to be allowed six pence per diem, to be paid out of the next Province Rate.

The apprizement of Peter Coffin & John Plaisted, Esqs. and Mr. Timothy Davis, formerly delivered into this Board about some quantity of Timber brought to her Majesty's Fort Wm. and Mary, being valued at four pence half penny per foot, at the landing place by the Fort, besides the charge of hauling it up, was allowed, and approved of by this Board.

Whereas Richard Waldron, Esq. and George Jeffrey, Esq. were appointed a Committee to hear, adjust and determine the acc^tts betwixt Mr. Hinkes, John Cross and James Phillipps, souldjers at the Fort, and the said Richard Waldron, Esq. refuses to be of the Committee:

Ordered, that Mr. Hinkes bring in said accounts, to this Board at their next sitting, that the same may be there adjusted.

Ordered, that tenn pounds per annum be allowed for Lodgings for the Lieut. Govern^r and to be paid to such persons from time to time (where he shall see meet to lodge) out of the Publick Treasury.

Adjourned till Thursday next, 12 o'clock at Portsm°.

[P. 130.] Province of New Hampshire.

At a Council held at Portsm°, on Thursday, the 12th October, 1704.

Present.

The Honourable John Usher, Esq. Lt. Govern^r.

John Hinkes,	Esqs.	George Jeffrey,	Esqs.
Peter Coffin,		Saml. Penhallow,	
Robert Elliott,		Henry Dow,	
		John Plaisted,	

John Hinkes, Esq. appeared at this Board, according to the order of Council of the sixth of October, instant, relating to a difference of accounts between John Cross and James Phillipps, souldjers at her Majestys Fort, and himself.

Ordered, that the said John Cross and James Phillipps be each admitted as *Informa pauperis* to proceed at Common Law against the said John Hinkes, for recovering of their just dues, and that the Secretary forthwith write to the Chief Justice of her Majestys Inferior Court of Common Pleas, to admit the said John Cross and James Phillipps, each *Informa pauperis* accordingly, and to nominate an Attorney for them, and that the Secretary also write to the Clerk of the said Court to issue forth Writs in due time, at the suit of said Cross and Phillipps against said John Hinkes, to be heard at next Inferior Court, and that the Secretary carry such Debenters and Minutes of Council to said Court, as the said Cross and Phillipps may have occasion for, to be used as evidences on their behalf.

[p. 131.] Province of New Hampshire.

At a Council held at Portsmouth, on Saturday, the 18th November, 1704.

Present.

George Jeffrey, Esq., Saml. Penhallow, Esq., John Plaisted, Esq.

Pursuant to his Excellencys Letter of the 13th November, instant, setting forth that he thereby prorogued the General Assembly till Wednesday, the 24th January next; it is consented to by the Council and ordered that Mr. Secretary Story give timely notice to the members of the Assembly, (if possible) that they are prorogued till Wednesday, the 24th January next, accordingly.

So far gone to England in Capt. Morris.

[p. 132.] Province of New Hampshire.

At a Council held at Hampton, Monday, the 4th December, 1704.

Present.

The Honorable John Usher, Esq. Lieut. Governour.

John Hinkes,	Esqs.	George Jeffrey,	Esqs.
Peter Coffin,		Saml Penhallow,	
Nathl. Weare,		Henry Dow,	

His Honr the Lt. Governour, acquainted this Board, that the occasion of calling the Council was, that whereas he had been sometimes out of the Province he was willing therefore to know in wt condition the state of the Province was in; and if this Board had any thing to offer for her Maj'ty's service and good of the Province, he should very readily adhere thereto, and endeavour to promote the interest of the same.

Whereas there is a general remissness in the several Towns of this Province in watching and warding, this

Board humbly desires that his Hon^{r} would take care to Redress the same.

Whereas there was an Act passed and enacted and entitled, An Act to prevent contention and controversy that may arise concerning the Bounds of the respective Towns within this Province, which Act was repealed and made null and Void by her most gracious Majesty Queen Anne, in Council the eleventh day of November, 1703, at the Court at St. James; and whereas several inhabitants of this Province by virtue of said Act, have been settled to and belong to the said several towns according to the Bounds mentioned in said Act:—It is therefore Ordered, that for the future all Inhabitants settled by said Act according to the Bounds therein mentioned, shall belong to the several towns of this Province, and pay Rates and doe duty to such several towns as they formerly did doe duty and pay Rates to, before the said Act was ever made or enacted; as they will answer the contrary: And that the Secretary make this order of Council publick to all the said several Towns, &c.

Whereas the Indians now in the country's service have had and may have necessary occasion for supply of cloathing and wearing apparel, &c.,

Ordered, That whosoever have already supplied, and still supply the said Indians with such necessary clothing, &c., that they may be punctually paid out of the said Indians wages in money, when paid by this Province, &c.

Ordered, that a Thanksgiving day be set apart throughout this Province, for God's mercies, &c., on Thursday, the 21st instant.

His Hon^{r} the Lt. Govern^{r}, acquainted this Board that he had given Orders to Lt. Col. Hilton, to take care of watching and warding throughout this Province, and that he alsoe had ordered said Colonel to call all the Companies of Militia together in the several towns of said Province, and to take a List of all the Inhabitants that had got Snow

Shoes, according to the Act, and to punish delinquents; and that his Honor will be ready upon the least notice of occasion for her Maj'tys service or good of the Province, to give his assistance; and that if he goes to Boston shall observe and follow such orders and directions as he shall receive from his Excellency, &c.

Ordered, that all Beef and Pork taken by the Treasurer in the seven hundred pounds Rate, be sold by him for the payment of the Creditors, at five farthings per pound for Beef, and two pence per pound for Pork, and that to be accounted as Markett mony price.

Ordered, that the charge of the House for the Council to sit in this day, be paid by the Treasurer, and to be allowed him out of the Treasury. (Joshua Wingate's order.)

The Fort acc^{tts} from the 17th May, 1704, to the 17th November, 1704, amounting to sixty-five pounds fifteen shillings, was this day allowed by the Lt. Govr and Council.

[P. 134.] Province of New Hampshire.

At a Council held at Portsmouth on Monday, the 25th December, 1704.

Present.

John Hinkes, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Pursuant to his Excellency's Letter of the 18th of Xber, setting forth her Majesty's commands to proclaim the Proclamation about the Coyne in a most solemn manner:

Ordered, that the Justices and Sheriffe attend the publication of said Proclamation this present day at Portsmouth, and alsoe at New Castle, some day this week, as the weather will permit; and accordingly the said Proclamation was proclaimed at Portsmouth; the Justices, Secretary and Sheriffe attending the same in a serious and solemn manner.

Whereas his Excellency in his said Letter, doth also set forth that Colonel Romer complains to his Excellency, that the persons that have advanced for the Fortifications in Great Island in said Province, do neglect to attend upon him, the said Colonel Romer, to adjust their accounts with him:

Ordered, that all persons, so in advance, doe tender to make up their Accounts with said Colonel Romer within fourteen days, after this present day, upon the danger of their loss of accounting hereafter; said Colonel Romer being goeing out of this Province, and that this order of Council be immediately published by the Sheriffe and Secretary, and that the Secretary send a copy of this order to Colonel Romer and to one of the Justices in each town.

Ordered, that the Boat belonging to her Maj'tys Fort Wm. and Mary, with what hands shall at any time be thought proper to row said Boat, shall be at the immediate commands of any of the members of her Maj'tys Council within this Province from time to time, for her Maj'tys service: and that the Secretary send a copy of this order to the Chiefe Officer of said Fort.

[P. 135.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday the 12th February, 1704.

Present.

The Honourable John Usher, Esq., Lt. Governour.

John Hinkes, John Gerrish, Geo. Jeffrey, } Esqs. Saml. Penhallow, Henry Dow, } Esqs.

His Hon^r was pleased to acquainte this Board, That he had received his Excellency's Commands to come hither to dispatch an Expedition intended by his Excellency Joseph Dudley, Esq., Governour and Commander-in-Chief of said

Province, &c., for a Company of Volunteers to march from hence to Neridgawack, aga^st the Indian enemy: together with two or three hundred of the forces belonging to the Massachusetts Government,—it importing his Excellency to the last degree to know where the enemy are, and that he had ordered Lt. Colonel Hilton,* to be here next Wednesday, and that his Hon^r had alsoe issued forth Warrants for the impressing of a Company out of this Province, in

* *Letter from Gov. Dudley to Col. Hilton.*

"Boston, 8 Jan., 1704-5.

Sr—

I am not willing to pass the winter withont a march to the Indian Head Quarters. I have 200 men with you already. I will take care for one hundred more from hence, and I would have you raise me one Company of volunteers of sixty, and see if we cannot get Norigwalk. Confer with Major Walton about it, and put forward, and see after your snow-shoes according to law; and I will see you a fortnight hence, God please. Write me on this head.

I am, sir, your
Affectionate Kinsman
J. DUDLEY.

Lt. Col. Hilton."

"The Colonel accordingly marched with 270 men to Norridgewock, a distance of nearly two hundred miles, upon snow-shoes. The season was considered favorable for their march, as the snow was four feet deep. The Indians forsook their settlement upon Hilton's approach; and having burnt the chapel which the French had erected, and the wigwams which the Indians had deserted, he returned without meeting the enemy. In this expedition the officers not only shared the hardships of their men, but received no more pay than the privates. In the Spring, Col. Hilton commanded a party to scour the woods to the heads of the Winepisiogee and Pemigewasset, and was not only this summer but most of the time, when not engaged in more important and distant expeditions, employed in ranging the frontier settlements from Massachusetts to Maine." * * * * Hilton was occasionally under the necessity of discontinuing his scout, or diminishing the number of his men, in consequence of the failure of the towns to comply with the requirements of the Law. This gave offence to the Governor, who had a very high sense of the duty of obedience in those under his authority, and he addressed the Colonel, in this style:

"Boston, 24th Sept. 1705.

Sir:—I am surprised that any body should divert you from my last order about a scout of twenty men. Upon your representation, I could have abated the number, or time or distance of marching; but I must have no body else to do it.

I pray you to draw your men yourself, if your officers do not do it to satisfaction, as in your power, wherein Major Worell will assist you, and let me hear from you as often as you may.

Keep close to my orders, and they will keep you.

I am, Sir, your humble servant,
J. DUDLEY."

[Hist. Coll. Farm. & Moore, vol. i, pp. 246-7.]

case there should not be a Company of Volunteers; and that he had alsoe directed the Treasurer by warrant, to provide provisions and other necessaries fitting for said Company to March from hence; and that he thinks it highly reasonable said Company shall have the same pay paid them by this Province, as the Massachusetts Bay may be to those that march against the enemy from that Government.

Whereas there was an Act passed last year that all the towns within this Province, should raise a Town Stock of provisions for all such Volunteers or Imprest men, that should march that year against the Enemy, and in case such provisions were not made use of, the same to be returned to the selectmen for the use of the Town; and this Board having information that there are some [P. 136.] small quantities of said provisions not yet made use of as aforesaid;

Ordered, that what soldiers or Volunteers shall now march against the Enemy to Noridgewock out of the several Towns of this Province; that if said Towns will furnish such souldjers or Volunteers with such provisions as aforesaid, the value thereof shall be allowed the said Towns in their next Province Rate in proportion.

Ordered, that Colonel Hilton bring the Indians under the establishment of this Province to Portsmouth, on Wednesday next, in order to march under his command to Norridgawack.

Ordered that all souldjers or Volunteers that march upon the aforesaid expedition, that are provided with Blanketts at the Province charge, the value or price of said Blanketts, shall be deducted out of said soldiers or Volunteers wages or pay.

Adjourned till Wednesday next, 12 of the clock, ante meridiem.

[p. 137.] Province of New Hampshire.

At a Council held at Hampton, on Saturday the 17th of February, Anno Domini, 1704.

Present.

The Hon. John Usher, Esq., Lieut. Govern^r.
Peter Coffin, Nathl. Weare,
Henry Dow, Esqs.

His Hon^r was pleased to say, That in obedience to his Excellency's command he came into this Province with much difficulty, and that his Excellency had given him directions for the doeing of several things for her Majesty's service; he also declared himself very thankful that the army was marched from hence to Norridgawack; that he had taken care to perform the above directions from his Excellency; that he had ordered the Council to be here this day, but several of them were slighting or negligent in their duty; that he designed to goe out of this Province on Monday next, and desired if this Board could acquainte him of any thing that wanted to be done for her Maj'tys service and good of the Province, he would readily comply with this same.

Colonel Thomas Packer's Debenter amounting to 5£. 14s. 3d, for entertaining Capt. Morris, Commander of her Maj'tys shipp Advice, and several Dinners for her Maj'tys Council, &c., allowed, and ordered to be paid in Course out of the Province Rate.

Colonel Packer's Debenter amounting to 7^lb for fire and candles from February 1703, to February 1704, allowed four pounds thereof, and ordered to be paid in course out of the next Province Rate.

Joshua Wingetts Debenter, amounting to 1^lb 15^s 9^d, for entertaining the Lieut. Govern^r and Council, the 11th and 17th of February, instant, allowed and ordered to be paid by the Treasurer, &c.

[P. 138.] Richard Jose, Esq., High Sheriffe of said Province, his Debenter, amounting to 13lb 9s 0d., for Impressing several men for the Reforming her Maj'tys Fort Wm. and Mary, and for some materials for said Fort, allowed tenn pounds thereof, and to be paid in Course, out of the next Province Rate.

[P. 140.] Province of New Hampshire.

At a Council held at New Castle, on Thursday, the 15th March, 1704-5.

Present.

The Honble John Usher, Esq., Lieut. Govr.

John Hinkes, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, Henry Dow, } Esqs.

His Honor was pleased to acquainte this Board, that he thought to have seen his Excellency here at his coming, but considering the Providence of God hath put the vessel off to sea, that his Excellency was coming here in, therefore he proposed to this Board to have their opinion about sending an Express to Boston to inquire about his Excellency; as also to acquainte that Governmt that the Man-of-War and Mast Shipps were ready to Sail next week,—lest they might have any occasion for her Maj'tys service.

Whereas, there is a Brigantine off this Harbor expected in here this night; and there be noe account of his Excellency, then to send an Express away as above with all Expedition.

His Honor also acquainted this Board that his Excellency was willing to be here at the sitting of the Assembly; and therefore he had adjourned said Assembly, till to-morrow morning, tenn of the clock and proposed to have a further adjd in hopes of his Excellencys arrival.

It is the opinion of this Board that the Assembly be further adj^{d}, til Monday next, 12 of the clock, ante meridiem.

His Honor the Lieut. Governour ordered Mr. Treasurer Penhallow, to have his accounts ready to lay before the Assembly at this Session; as also to have the sum fairly transcribed in order to be sent to England with the Mast fleet, &c.

Province of New Hampshire.

At a Council held at New Castle, on Tuesday, the 20th March, 1704-5.

Present.

The Honorable John Usher, Esq., Lieut. Govr.

John Hinkes,	Esqs.	George Jeffrey,	Esqs.
Robert Elliott,		Saml. Penhallow,	
John Gerrish.		John Plaisted,	

His Honour the Lieut. Governour proposed to this Board, that seeing by the Providence of God, his Excellency was disappointed of his intention in being here at this juncture of time, and the Fleet being ready to sail, that he thought it very necessary to give an account to the Right Honorable the Lords of the Plantations, of the Reforming of her Maj'tys Fort Wm. and Mary, at New Castle, which is now in a posture of Defense against the Enemy, and that it may be also laid before them the want of powder and ammunition for said Fort; and that they would lay before her Maj'ty that she would be graciously pleased to send forty souljers at the charge of the Crown for the defense of said Fort; the people in said Province being burthened with the Indian wars, and become miserable poor, &c.; and that a humble Address be drawn up to the Right Honorable the Lords of the Council of Trade and Plantations, from this Board, relating to the same; and

that the Secretary draw an Address accordingly and signe the same.

Per order of Lt. Govern^r and Council.

His Honor the Lieut. Governor, demanded of Mr. Treasurer, his account for some part of the year 1704, in order to be sent to England. Mr. Treasurer answered, [p. 139.] that when he had passed his account with her Maj'tys Auditor, which he would doe as soon as possible, they should be sent to England with the first opportunity.

Mr. Hinkes Debenter being read at this Board, balance due 44. 11. 9. one article in said Debenter being for 15lb. Cash received of one Philbrooke, Constable, to pay the souldjers at the Fort, being burnt in his house, was allowed and ordered to be paid in course out of the next Province rate, the other part of the Debenter to be referred.

Colonel Romer's accounts concerning her Maj'tys Fort Wm. and Mary was delivered at this Board to the Secretary to be put upon file.

John Pinder his petition being this day read at this Board, relating to his prosecuting one Bridgett, the wife of Thomas Bickford, on her Maj'tys behalf at the last Quarter Sessions of the Peace held for this Province, &c., for violently assaulting and beating Sarah, the wife of said Pinder, setting forth that he was denied a Jury on behalf of the Queen, &c.; and that the Justices had past Judgment against him to pay Costs to the person complained ag^st. Petition upon file.

Ordered, That the Secretary issue forth an order to all persons concerned to stop the executing of any Execution for such Costs, until next Quarter Sessions is ended; and that if said Pinder continue grieved at the sentence of the said Quarter Sessions, that he then have a Jury at the next Quarter Sessions allowed him, and the case to be heard de Novo, and that the Secretary serve the Justices of the next Quarter Sessions of the Peace for said Province, with a copy of this order of Council,

Ordered, That the Fort boat be forthwith repaired.

[p. 141.] Province of New Hampshire.

At a Council held at New Castle, on Monday, the 26th March, 1705.

Present.

The Honourable John Usher, Esq., Lieut. Governour.

John Hinkes, George Jeffrey,

Saml. Penhallow, Esqs.

A memorial to the Lords Commissioners of Trade and Plantations was read at this Board in hæc verba—as upon file—and Ordered to be sent by the Mast Fleet.

His Honor desired this Board to acquainte him, that if they would offer anything for her Maj'tys service, and good of this Province he was ready and willing to doe the same, for that he was going this week to Boston; desired them also to let him know if they had anything to communicate to his Excellency.

Ordered, that his Honour the Lieut. Governour be paid three pounds a Journey out of the Treasurye for his travelling expenses in coming three times into this province, and riding to the several towns for her Majesty's especial service.

[p. 142.] Province of New Hampshire.

At a Council held at Portsmo, on Tuesday, the 3rd April, 1705.

Present.

John Hinkes, Esq., President.

Robert Elliott, George Jeffrey,

Saml. Penhallow, Esqs.

Samuel Penhallow, Esq., one of her Majesty's Council of this Province, exhibited a complaint against —— Field, Second Lieut. of her Majesty's Shipp Advice, for the said Field's violently assaulting one George Vaughan, Esq., one of her Majesty's Justices of the Peace for said Province, the

17th of March last, past; as alsoe for violently assaulting and striking him the said Samuel Penhallow, &c. Complaint upon file.

Ordered, that the Secretary send a Copy of said complainte with this minute of Council to his Excellency Joseph Dudley, Esq., Governour, &c., by the next post.

[P. 143.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 8th day of May, 1705.

Present.

His Excellency Joseph Dudley, Esq.

George Jaffrey, Sam. Penhallow, } Esqs. John Plaisted, Henry Dow, } Esqs.

Ordered, that Mr. Jaffreys, John Plaisted, Capt. Pickering, and Mr. Phipps, be a Committee impowered forthwith to survey the fence of the town of Portsmouth, and compute the charge, and consider what has been formerly laid out, and they are hereby impowered to lay a tax for that service not exceeding forty pounds, in the laying of which they are to consider the benefit of the alteration of the lines to several of the inhabitants, and proportion the charge in everything, and see that the work be effected, and the accounts thereof ready to be presented in Council by the tenth of June next. The town Tax signed by three of them, Jaffreys or Plaisted being one, shall be sufficient Warrant to the Constable to collect and destrayne the same.

Samuel Penhallow, his Debenter, amounting to twenty pounds for disbursements for Salt and Casks, &c., about the provisions in the 700lb Rate, was read at this Board and allowed of, &c.

Ordered, that Col. Thomas Packer be paid out of the Treasury tenn pounds, two shillings, nine pence, for entertaining his Excellency and attendance.

Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the fifth day of June, 1705.

Present.

Robert Elliott,	Esqs.	George Jaffrey,	Esqs.
John Gerrish,		Saml. Penhallow,	
Nathl. Weare,		John Plaisted,	

His Excellency Joseph Dudley, Esq., Governour, &c., Letter from Boston, dated the 29th May, 1705, was read at this Board, directing that they send to Lieut. Colonel Hilton for the Impressing of Eight able souldjers equally out of his Regiment (New Castle excepted) to attend at the Fort for a Watch and Garrison night and day, till further order; and that the Capt. of the Castle, or in his absence the Lt. there, see said Eight men mustered every day, and the Inhabitants of New Castle once a week, for an hour or two, to see their Arms fixed; and that the firing of those great Guns at each a minutes distance, be an Alarum, to which half of Hampton Lower Company and half Portsmouth march immediately for relief, &c.

Ordered, That the Secretary write to Lieut. Colonel Hilton, that he forthwith Impresse four able souldjers equally out of his regiment (New Castle excepted) and send them immediately to her Majestys Fort Wm. and Mary, to join with the four souldjers now under her Majestys pay for a Watch and Garrison day and night, till further order; and that the Capt. or in his absence the Lt. see that all the eight soldiers be mustered every day, and that they be put to noe other duty whatsoever, unless upon some extraordinary occasion for her Majestys especial service; as alsoe to muster the inhabitants of New Castle once a week, for an hour or two to see that their Arms are well fixed; and that the firing of three great Gunns at each a minutes distance at the said Fort be an Alarum, to which half Hampton lower company and half Portsmouth march to the said Fort immediately for relief: and that the Treasurer pro-

vide victuals for the said four imprest souldjers at 6s per diem; a copy of this order to be sent to Major Smith, Capt. Pickering, Capt. Langdon and the commander for the time being at the said Fort.

[P. 145.] Ordered that all the Inhabitants of Little Harbor and Sandy Beach take their turn two or three in a night, to watch and scout from Rendezvous Point along the Sea side, till they meet with Hampton Scouts at the house of John Locke; and Hampton Scouts, who are from time to time to be taken or drawn out of Major Smith's Company, two or three in a night, to watch and scout from Hampton along the Sea side till they meet with Rendezvous Scouts at Locke's aforesaid; and to begin at Sunset and continue till Sunrise, and that Mr. William Wallas have a due inspection as Corporal over the said watches: in consideration of which duty it is further Ordered, that the said several Inhabitants of Little Harbour and Sandy Beach be exempted from doing any duty at New Castle, except upon an Alarum or an Order from his Excellency or the Commander in Chief for the time being. And that the Secretary send an attested Copy of this Order of Council to the Commander for the time being of her Majestys Fort Wm. and Mary, at New Castle, to Major Smith and to the said Wm. Wallas, directing them immediately upon sight thereof to see said Watch and Scout duly performed till further order.

[P. 146.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 21st of June, 1705.

Present.

Robert Elliott,	Esqs.	Samuel Penhallow,	Esqs.
George Jaffrey,		John Plaisted,	
		Henry Dow,	

Capt. Redknapp,* Esq. her Majestys Engineer, communicated a Letter to this Board from his Excellency Joseph Dudley Esq., Governour and Commander in Chief of her Majesty's Province of New Hampshire, dated Boston, the 3rd June, 1705 signifying to this Board, that Capt. Redknapp thereby was ordered forthwith to repair the two Angles of her Majesty's Fort Wm. and Mary, which had been dampnified by the late great Storm; and to apply himself to the Council here in order to be assisted with men necessary for that purpose.

Ordered that the Secretary issue forth an Order to the High Sheriffe impowering him to impress six men as laborers in proportion, out of the several Towns of this Province (by sending his precepts to the several Capts of said Province according to his former methods) that have not yet taken their turns tenn days at the said Fort, as laborers; and such Imprest persons to send to her Majestys Fort Wm. and Mary, on Monday next, to labor tenn days under the Command of Capt. Redknapp, her Majestys Engineer; and after such tenn days are ended to relieve the said six men by sending six other men in their rooms to labor as aforesaid, and they to continue other tenn days, and so from time to time till the said two Angles are repaired. And Mr. Edward Toogood be appointed as Master Workman over the said laborers, and that he be desired to provide what quantity of lime Capt. Redknapp shall see necessary for such Reparation.

Ordered that Mr. Elliott and Mr. Plaisted be appointed to goe to her Majesty's Fort Wm. and Mary, and there view the quantity of powder and stores belonging to the said

* Capt. —— Redknapp succeeded Col. Romer, as Chief Engineer of her Majesty in N. H.

"Her Majesty having thought fit to send Captn Rednap to succeed Col. Romer for the finishing and repairing Forts and Fortifications in New England and New Yorke, and the said Rednap having been some considerable time already in New England; your Lordp may so soon as he shall finished his work there, send for him to attend the service of New York." &c [Lords of Trade to Lord Cornbury. Coll. Hist. N. Y., Vol. iv. p. 1173.]

Fort, and deliver them to Captain Walton, and take his receipt for the same, and make return thereof to the Council Board at their next sitting.

[P. 147.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 14th day of August, 1705.

Present.

Peter Coffin, John Gerrish, } Esqs. George Jaffrey, Saml. Penhallow, } Esqs.

John Plaisted, Esq.

Whereas this Board having been informed that there were several great Gunns and Volleys of small Shott heard at Casco Fort last Sabbath day in the forenoon, beleiving the Enemy may have laid seige to the said Fort, and an Express being this day sent to his Excellency relating thereto, and Robert Elliott, Esq. having offered a Shallopp and three hands at his owne charge to goe to Casco Fort to know the truth thereof:

Ordered that tenn able men be forthwith impressed to go on board said Shallopp lying at New Castle, in order to sail to Casco, and make discovery of the truth of such information, and that Captain Pickerin impress said men, and order them to the Treasurer to receive five days provisions a man.

[P. 148.] Province of New Hampshire.

At a Council held at Portsmouth on Wednesday, the 5th of September, 1705.

Present.

Peter Coffin, Robert Elliott, Nathl. Weare, Jno. Gerrish, } Esqs. George Jaffrey, Saml. Penhallow, John Plaisted, Henry Dow, } Esqs.

His Excellencys Letter dated Boston the 20th Augt, 1705, signifying to the Council that he advises and directs that they forthwith fortify Mr. Packer's house at the Bank, either with Square Timber and two regular Flankers, or with Stone and brick, and that the Line of the town be Reformed, and the Watches duly kept, &c.

Captain Pickerin being sent for to this Board, to give an account how far he had proceeded with the Committee of Militia about fortifying Col. Packer's house as a Garrison, &c.,

Answered that the Committee of Militia of the Town of Portsmo, had ordered Col. Packer's house to be fortified as a Garrison House for defense of the Subjects against the French and Indian Enemy, and that they had nominated several persons to be appointed to belong to the same; but some few days after such appointments, many of the Inhabitants nominated to belong to said Garrison, as aforesaid, petitioned the Committee of Militia that they did not think it so convenient for them to belong to Mr. Packer's House as a Garrison, being of great distance from the body of their houses; but if the Committee of the Militia would be pleased to appoint Mr. Edward Toogoods, and Mr. Mark Ayres houses as Garrisons, they would be at the charge voluntarily in fortifying the same.

Capt. Pickerin being also asked how far he had proceeded in Reforming the Line of the town :—

Answered, that most part of it was well Reformed, and that he would with all expedition finish the remainder.

It is the opinion of this Board, that whereas the Law impowers the Committee of Militia to settle Garrisons in each [p. 149.] town of this Province, and the Committee of the Town of Portsmo, having proceeded as aforementioned, the further consideration hereof is left to the next sitting of the Council.

Lt. Colonel Hilton appearing at this Board, acquainted them that he has orders for twenty men to Scout their turns

every tenn days in the Woods; and seldom one half of them which have yet scouted, fitting for service; which if they were reduced to tenn able persons fitt to travel in the Woods, would be of more service than twenty unfitt persons.

Ordered, that for the future, tenn able persons only be appointed as Scouts to range the woods till further order, being exchanged every tenn days and to be taken out of the several towns, and the Secretary is hereby required to give Colonel Hilton a copy of this Order of Council.

[P. 150.] Province of New Hampshire.

At a Council held at New Castle, on Thursday, the 20th of September, 1705.

Present.

The Honourable John Usher, Esq. Lieut. Govr.

Peter Coffin, George Jaffrey, } Esqs. Samuel Penhallow, Henry Dow, } Esqs.

His Excellencys letter dated Boston, 14th September, 1705, signifying that he had in remembrance what was formerly offered to this Board and the Assembly, referring to a House for the reception and residence of the Lieut. Governour, and the Orders thereupon; and that he was sorry they have been noe more effectual, and that he had directed the Lieut. Governours presence into the Province at this time, upon the command of her Majesty, which could not be performed, but by his Excellency or the Honble the Lieut. Govr, and it was read at this Board.

Ordered, that the consideration of his Excellency's said Letter be referred till the meeting of the next Sessions of the General Assembly.

Her Majestys Letter dated at the Court at Saint James the 3rd day of May, 1705, relating to a new Seal prepared for the use of this her Majestys Government of New Hampshire, which Seale was engraven with her Majestys Arms,

Garter, Supporter, Motto and Crown, with this inscription round the same, SIG: PROVINCIÆ NOSTRÆ NOVÆ HAMPTONIÆ IN AMERIC. and that the said Seal be affixed to all Patents and Grants of Land and to all other Acts, and other publick uses for our said Province: And that the former Seale be no more or further used or affixed to any publick Acts or Instruments whatsoever but to be defaced and broken &c. was read at this Board.

His Honour, the Lieut. Governour, produced the New Seale to this Board and demanded the old Seale of the Secretary, which was by him shewn to the Honourable the Lieut. Governour and Council; whereupon they immediately ordered the same to be broken & defaced, which was accordingly done by the Secretary in the publick view of the Honourable the Lieut. Governour, and her Majestys Council now present.

[P. 151.] Ordered, that the Treasurer buy for the use of the Fort, three load of wood and three gallons of oyle for the present supply of the souldjers there with fire and lights, and that the same be sent thither with all expedition.

Ordered, that the Honourable Lieut. Govern^{r} be paid out of the Treasury six pounds for two Journeys into this Province since the 26th March last past, for her Majestys especial service.

His Excellency's Letter about fortifying of Mr. Packer's house was again read at this Board.

Ordered, that Mr. Packer's house be forthwith fortified according to the Orders of the Committee of Militia of the 6th of August 1705, and that all the Inhabitants thereto appointed by the said Orders of the Committee, be at the charge of fortifying the same, and also give their attendance at the said Garrison according as the Law directs, from time to time, as they will answer the contrary at their perils.

Samuel Penhallow, Esq. his Debenter am^{o} to sixty-seven

pounds, eight shillings and four pence, for provisions for supply of souldjers at the Frontiers, was read at this Board, and ordered to be paid out of the Standing Tax.

His Honour the Lieut. Governour asked the Gentlemen of the Council, if they had anything further to offer for her Majesty's service, he intending to depart out of this Province sometime this week.

Answered, Noe.

His Honour further acquainted this Board that as his Excellency had desired them to take care to provide a House for the reception of him, the Lt. Governour, and there being no care taken therein, neither anything allowed for his support in Government, yet he was and always would be ready to do anything that was for her Majestys service and the good of the Province, and in case they would take care for the support of his Honour he would be constantly in the Province.

Letter from Gov. Dudley to the Council.

[MS. Correspondence, Vol. I. p. 7.]

BOSTON, 24 September, 1705.

GENTLEMEN: The Lieutenant Governor is returned from his visit of you, & I am glad the province is in so good order; but truly I was surprised at an order I saw refering to the ward & scout at Sandy Beach, and a dismission of the soldeirs on that side from their duty at the fort, expressly contrary to my orders heretofore given: I must desire, Gentlemen, that you will know your duty & give me the just support of her Majesty's Authority, & not run in upon the government.

If at any time there do's want, in your opinion, any thing for the security of the Province, I shall be glad to have it just stated either by a meeting of the Council, or by Mr. Secretary or any one of the gentlemen, whose letters are always acceptable to me; but while I am within ten hours of you, I will have nothing of such a nature, as the direction and stating of watches done without my being with you, or the Lieutenant Governor, especially when it shall infringe my former order. I do therefore desire,

that you will let me know what you would have done, & that, in the mean time you give notice to the officer you then appointed to govern the matter at Sandy Beach, that he must expect orders from me before he comands any the Queen's subjects, & that the Sandy beach soldiers do return to their duty at the fort and dependence there, as I have ordered under my hand. I shall always do my duty to the people of the Province of New Hampshire, & have always had their respect and obedience, and your assistance therein, of which I doubt not but I shall have the continuance of.

I am, Gentlemen

your very humble servt.

J. DUDLEY.

[SEAL OF QUEEN ANNE.

Copy of a Letter from Queen Anne to Governor Dudley.]

[P. 152.] "ANNE R.

To our Trusty and Well beloved Joseph Dudley, Esq. our Captain General and Commander-in-Chief of our Province of New Hampshire, in New England, in America, and to our Lieut. Governour and Commander-in-Chief of Our said province, for the time being—GREETING: With this you will receive a Seale prepared by Our order for the use of our Government of New Hampshire, which Seale is engraven with our Arms, Garter, Supporter, Motto and Crown, with this Inscription, round the same: SIG. PROVINCIÆ NOSTRÆ NOVÆ HAMPTONIÆ IN AMERIC: And our Will and pleasure is, and we do hereby authorize you, and our Lieutenant Governour or Commander-in-Chief of our said Province of New Hampshire for the time being, to affix the said Seale to all Patents and Grants of Lands, and all publick Acts and Instruments of Government which shall be made and passed in Our name within our said Province, and that it be to all intents and purposes, of the same force and validity as any former Seale appointed for the publick use of the Government in Our said Province hath heretofore been; which former Seals are not to be farther made use of, or affixed to any publick Acts or Instruments whatsoever, but to be defaced and broken.

Given at Our Court at St. James' the Third day of May, 1705, n the fourth year of our Reign.

By her Majesty's Command,

C. HEDGES."

Superscribed,

"To Our Trusty and Well beloved Joseph Dudley, Esq. our Captain General and Commander-in-Chief of our Province of New Hampshire, in New England in America. Or to the Commander-in-Chief of Our said province for the time being.

NEW HAMPSH."

[P. 453.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 3rd October, 1705.

Present.

Peter Coffin,
John Gerrish,
George Jaffrey,
Saml. Penhallow, } Esqs.

His Excellencys Letter of the 21st of September last past, relating to a general Thanksgiving to be kept throughout this Province was communicated to this Board.

Ordered that Thursday, the 18th day of October instant, be observed and kept throughout this Province as a General Thanksgiving to Almighty God, for His great goodness in preserving her Majestys Sacred person, and to prosper her Arms in the just warr wherein her Majesty and her Allies are engaged, for the preservation of the Liberties of Europe, for His signal mercies and blessings in the Summer past, in restraining the insults and outrage of our Barbarous Enemies, in granting great and quiet tranquility, in blessing the fruits of the Earth, and in giving a hopeful prospect of a plentiful Harvest; in granting us general health, and in smiling upon us in other our publick interests and enjoyments: And that the Secretary issue forth Proclamations accordingly.

His Excellencys Letter of the 24th of September last, relating to the Watches and Scouts at Sandy Beach, was also communicated at this Board.

Ordered that William Wallas, who was appointed as Corporal of a Watch and Scout at Sandy Beach, be acquainted that there be no longer a Scout or Watch kept there, and that the said William Wallas and the Inhabitants at Sandy Beach, for the future, doe their duty at the Fort Wm. and Mary when called.

Pursuant to his Excellencys Letter dated the 29th September last past.

Ordered that the Assembly of this Province be Prorogued till Thursday the 22d of November next, and that publick notice be given accordingly.

[P. 154.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 24th October, 1705.

Present.

Peter Coffin, Esq. President.

Robert Elliott, John Gerrish, } Esqs. George Jaffrey, Samuel Penhallw, Henry Dow, } Esqs.

His Excellencys Letter of the 15th instant was communi cated to this Board, signifying that the Secretary countersign his Subscriptia in the presence of the Council, and to let his Excellency know whether there be any objection to the payment of the Treasurer five pound per cent. for paying and receiving the 450lb for the Castle Service, and to know the Council's opinion therein.

It is the opinion of the Council that Mr. Treasurer be allowed his Salary of 12d in the pound for paying and receiving the said 450lb.

His Excellency's Subscriptia for 160lb per annum, due the 1st of November next was Countersigned by the Secretary in the presence of the Council.

The Eastern acct amot to 143. 2. 0, being allowed of by

the Assembly and signed by his Excellency, was shewed at this Board and approved of.

The Act relating to the Indians &c., amounting to 206. 11. 0. being allowed by the Assembly and signed by his Excellency, was shewed at this Board and approved of.

So far gone to England.

[P. 155.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 14th day of January, 1705-6.

Present.

Peter Coffin, Robert Elliott, Wm. Vaughan, } Esqs. George Jaffrey, Samll Penhallow, } Esqs.

His Excellency's Letter dated the 3d January, 1705, was communicated to this Board, signifying that he had received the Lord Treasurers Commands, that there was a years accts wanting from the Treasurers of the Province of New Hampshire, viz. Mr. Jaffrey, Mr. Penhallow, besides Major Vaughans accounts, and Ordered that those gentlemen whose Accounts of the Treasury are not past in due form and sent home, be forthwith prepared and past by the Deputy Auditor within twenty days next, that they may now be sent there, as they will answer the contrary.

Mr. Jaffrey being present, answered that in obedience to his Excellencys order in February last, he carried his Account and Vouchers to Mr. Addington, in Boston, Deputy Auditor, by whom they were examined and allowed, which Account he presented to Lieut. Governour and Council, and then took his oath that the said Accounts were just &c., and now produced a copy attested by Lieut. Gov. Usher and Mr. Secretary Story; and by his Excellencys order he sent the Original in her Majestys Shipp the Advice, to the Honble —— Blathwaite, &c.

Mr. Penhallow answered, that pursuant to his Excellency's order in July last, he waited upon Mr. Addington, Deputy Auditor in Boston, and had all his Accounts as Treasurer of said Province allowed to that time, and that he left Duplicates of all his Accounts with said Addington in order to be sent for England, and that he took his oath before his Excellency and Council to said Accounts.

Major Vaughan sayth, that when the Earl of Bellomont was Governour, he carried in his Accounts as Treasurer of this Province to his Excellency and Council, and that the same were by them allowed and approved of and filed in the Secretarys' office [P. 156.] and that he hath never been capable since that time to carry his said Account to the Deputy Auditor in Boston; and at this juncture of time is very infirm and not able to travel.

Province of New Hampshire.

At a Council held at Portsmouth, on Monday the 25th March, 1706.

Present.

The Honourable John Usher, Esq. Lieut. Governr.

Robert Elliott, Nathll Weare, } Esqs.

George Jeffrey, Samll Penhallow, John Plaisted, } Esqs.

Lt. Gov'rs Speech to the Council.

GENTLEMEN—

When I was here last I told you I would have done any thing that was for her Majestys service, and the good of this Province, and that being now come by his Excellency's Command (the Summer season being at hand) to take care for the service of her Majesty and the defence of this Province against the French and Indian Enemy; I therefore desire you, Gentlemen of the Council, to acquainte me with the full Circumstance of this Province, and Consider what is most proper to be done for the good and safety of the same.

Ordered, that there be six Souldjers besides those two in pay at Fort William and Mary, to be for employed in her Majesty's service at the said Fort, during his Excellency's pleasure, and the Honourable the Lieut. Governour's, to be kept in her Majesty's pay. And that the said Souldjers have liberty to find themselves provisions, which if they are not willing to doe, that then the Capt. find the said Souldjers provisions during their continuance in the said Fort, and to be paid out of the Treasury, according to Establishment.

Adjourned till 10 o'clock, at Portsmouth, tomorrow morning.

[P. 157.] Province of New Hampshire.

At a Council held at Portsmouth, by adjournm^{t}, on Tuesday, the 26th March, 1706.

Present

The Honble John Usher. Esq. Lieut Governour.

Nathl Weare; George Jaffrey, } Esqs. Sam. Penhallow, John Plaisted, } Esqs.

Ordered, that the General Assembly of this Province be prorogued till the first Wednesday in May next, and that the Secretary issue forth proclamations to the several towns of this Province accordingly, And to give notice to the Govern^{r} thereof.

Ordered, that the two Flankers at her Majestys Fort W^{m} and Mary, fronting towards the land, be fortified with platforms, and that the powder House there be clapboarded, and that there be a master workman Imprest for the doing of the same, the souldjers belonging to the Fort assisting him therein, and to be paid in course out of the next Province Rate.

Ordered, that the Town of Dover pay James Ball four pounds four shillings for his service as a Souldjer at her Majestys Fort Wm. and Mary, from the 13th June 1705, to the 20th Sept. 1705, there being a neglect of said Town in

making an exchange of Souldjers every tenn days according to order of Governour and Council.

Ordered, that John Cross and James Phillipps, private Sentinels at her Majestys Fort Wm. and Mary, from the 17th May 1703, to the 25th March 1706, be allowed for such their service seventy pounds five shillings; each of them having severally received thirteen pounds, soe there remained due to each of them fifty seven pounds five shillings, to be paid in course out of the Treasury and to have several warrants signed for the same.

Francis Shallott, his wages for his service at her Majestys Fort Wm and Mary, from the 5th of November 1703, to the 20th Xber 1705, amounting to fifty seven pounds six shillings was allowed, of which he has received thirteen pounds, soe there remains due forty-four pounds six shillings.

Ordered, to be paid in Course out of the Treasury.

William Thomas' wages for his service at [P. 158.] her Majesty's Fort Wm. and Mary, from the 5th November, 1703, to the 31st of May, 1705, amo. to forty one pounds sixteen shillings, was allowed, of which he has recd thirteen pounds, soe there remains due to him twenty eight pounds sixteen shillings; and Ordered to be paid in course out of the Treasury.

John Cranch wages for his services at her Majestys Fort Wm. and Mary from the 31st May 1705, to the 20th of December 1705, amo to 15£, 10s, 0d, was allowed, and Ordered to be paid out of the Treasury.

Capt. Shadrach Walton his Salary as Commander and Gunner of her Majestys Fort William and Mary, from the 21st of November 1704, to the 25th March 1706, amot to 37lb, 0, 0, was allowed, and Ordered to be paid out of the Treasury.

Ordered, that there be paid to the Treasurer for expenses upon her Majestys Fort Wm. and Mary, and for dinner, &c. for the Honourable the Lt. Governour and Council, four pounds eighteen shillings out of the Treasury.

Ordered, that his Honour the Lieut. Governour, be allowed four pounds for his riding expenses and disbursements in coming into and going out of the Province for her Majestys service, to be paid out of the Treasury.

[p. 159.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the eighth day of May, 1706.

Present.

The Honourable Major William Vaughan, Esq.

Peter Coffin, George Jeffrey, } Esqs. Sam. Penhallow, Esq.

His Excellency's Letter of the sixth of May instant was communicated to this Board setting forth that Capt. Strickley [?] was arrived from Barbadoes and acquainted that the French Fleet were increased to 14 men of Warr, 40 Privateers, six thousand land men, and were like to carry all before them, if not diverted by a Fleet from England. His Excellency also directs that the Sheriffe and other officers take exact accounts of all merchants powder in the Province, and commands that none be sold or sent out of the Province upon any pretence.

Ordered, that Mr. Secretary issue forth warrants to the Sheriffe to search into all houses, ware-houses or elsewhere in this Province; and take an account of the quantity of powder in each persons custody, and return an account to the Secretary of the same, in order for the Secretary to write his Excellency thereof.

Ordered, that the Secretary write to the Selectmen of each Town of this Province that the stock of Provisions for scouting be deposited in the hands of the several Captains in the several towns, to be drawn proportionably to the men Commanded out of the several towns, by Lieut. Colonel Hilton.

[p. 160.] Province of New Hampshire.

At a Council held at Portsmouth, the 14th day of May, 1706.

Present.

Major William Vaughan, Esq.

Peter Coffin, Robert Elliott, } Esqs. George Jaffrey, Saml. Penhallow, Henry Dow, } Esqs.

His Excellency the Governours Letter dated the 10th instant, relating to news from the West Indies about the French Fleet, and about tenn men more to be posted at her Majestys Fort Wm. and Mary, at New Castle, for a steady watch &c. and that Colonel Packers House in Portsmouth be forthwith fortified in good form, to receive the women and children, &c. was communicated at this Board.

Ordered, that the Treasurer forthwith provide provisions for the tenn souldjers last Imprest for her Majestys service at her Majesty's Fort William and Mary.

As to the fortifying Colonel Packers house, the Gentlemen of the Council was pleased to inquire of the Secretary whether there was not some former order of Council relating thereto; and upon searching the Council Book, found there was an order of Council of the 20th of September last, for fortifying the said Colonel Packers house.

Ordered, that Mr. Secretary send a copy of the said order of Council to his Excellency, that his further pleasure may be known therein.

Capt. Walton brought in an Acct of what Stores were wanting at her Majesty's Fort Wm. and Mary, at New Castle, as on file.

Ordered, that Mr. Elliott and Mr. Treasurer be desired to see what Stores of powder, Shott and other materials are at the Fort Wm. and Mary, at New Castle, and to make report at the next sitting of the Council.

[P. 161.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 23d May, 1706.

Present.

The Honourable Major Wm. Vaughan, Esq.

George Jaffrey, Saml. Penhallow, John Plaisted, } Esqs.

His Excellency the Governors Letter, dated Boston, 20th May 1706, was read at this Board, signifying that Capt. Redknapp had attended his Excellency with papers, refering to the fortifying Colonel Packers house, and that he had sent the same to the Secretary to be communicated to the Council, and then to be delivered to Capt. Phipps &c. (as on file) which papers were accordingly Communicated at this Board.

Province of New Hampshire.

At a Council held at Portsmouth on Monday, the 17th June, 1706.

Present.

The Honble Major Vaughan.

Nath. Weare, Esq. George Jaffrey, Esq.

His Excellency's Letter of the 10th June, 1706, relating to Lt. Colonel Hiltons incapacity of Scouting for want of provisions, and that there was not tenn soldiers sent to the Fort according to his Excellency's orders, and relating to Col. Packers house &c. was communicated at this Board.

Ordered, that in case the Select men of Hampton and Exeter have not their stock of provisions for scouting ready in four days time, from the date hereof, to be delivered to the Capts. of the several Towns when called for, that they may be sent for to the next Council Board in order to be proceeded against as they shall deserve.

Ordered, that Major Walton be wrote to by the Secretary to attend next Council day and then give an account of what Souldjers is wanting at the Fort which have not been sent by the Captains, according to Lt. Colonel Hiltons order.

Ordered that the Secretary signify to the Captain of the Militia at Portsm° his Excellencys pleasure about fortifying Colonel Packers house.

[P. 162.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 8th of July, 1706.

Present.

The Honble Major Wm. Vaughan, Esq.

George Jaffrey, Saml Penhallow, John Plaisted, } Esqs.

His Excellency's Letter, dated Boston, 7th July, 1706, signifying that the enemy were designed for Piscataqua, and that we might expect them every hour, ordering that all people go to Garrison at their utmost peril, and that one half of the Militia at least be in readiness to march in a minutes warning, &c. was read at this Board.

Ordered that Mr. Secretary write to the several Captains of this Province to command all people to Garrison at their utmost peril, and every Captain have the one half of their Companies in readiness for a march upon a minutes warning.

[P. 163.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday the 9th July, 1706.

Present.

The Honourable Major Wm. Vaughan Esq.

George Jaffrey, } Esqs.
Saml. Penhallow, }

Whereas there is certain intelligence that the enemy is near upon us in a great body, and there being orders for the marching out of sixty men in pursuit of the enemy, and provisions being wanting for the fitting out of the said sixty men; —

Ordered that Mr. Secretary immediately send out his warrant for the Impressing of two Barrels of pork, and one hogshead of Biskett, for supplying of the said sixty men. And that the officer have power to search all houses or ware houses within this Town for the finding of the same; and also to impress three men and a boat to carry the said provisions to Lieut. Col. Hiltons.

Ordered, that the Secretary summons the Select men of Hampton to appear before the Council to-morrow by tenn of the clock in the forenoon, to answer to the complaint of Lt. Col. Hilton in not having their Town Stock of provisions ready to supply the souldjers of the town in Scouting, &c.

Ordered that the Secretary write to Major Smith and Major Walton that they keep a constant walking scout at Sandy Beach as formerly.

[p. 164.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 10th of July, 1706.

Present.

The Honourable Major Wm. Vaughan Esq.

Robert Elliott, George Jaffrey, } Esqs. Saml. Penhallow, Henry Dow, } Esqs.

Pursuant to his Excellencys Letter of the 7th of July instant, 10 of the clock ante meridiem,

Ordered that the Selectmen of the town of Hampton do forthwith send a Barrel of pork to Lt. Col. Hilton's house, out of their Town Stock of provisions for scouting; as he shall see meet, and that the Secretary issue forth his warrt to the Selectmen accordingly.

[p. 165.] Province of New Hampshire.

At a Council held at New Castle, on Tuesday, the 16th July, 1706.

Present.

The Honble John Usher, Esq. Lieut. Governr.

Major Wm. Vaughan, Robert Elliott, George Jeffrey, Saml. Penhallow, } Esqs.

The Honourable the Lt. Governr was pleased to acquaint the Gentlemen of the Council, that according to his Excellencys' the Governors directions, he was come to this Province for her Majestys service and defence of the same; and the Assembly to set to-morrow, he desires that this Board would be pleased to let him know the state and condition of this Province now lies, that he may thereby be enabled to discourse the Assembly at their sitting relating to the preservation and defence of the Province against the French and Indian Enemy.

Lt. Col. Hilton appeared at this Board, and being desired

by the Lt. Governour to give an account to this Board relating to the state of the Province and about the Enemy, &c.

Answered, That the Garrisons were all in good order and as to the little Scout, alias Province Scout, he was forced to leave it off, there being eight of the souldjers from Hampton, and the town of Hampton had no provisions for them as the law directs. And as to the sixty four men which he lately marched in pursuit of the Enemy, they are now disbanded by reason he could have no provisions for them, without which he is not capable to goe any more in pursuit of the Enemy.

[P. 166.] Province of New Hampshire.

At a Council held at Portsmouth, on Saturday, the 20th July, 1706.

Present.

The Honble John Usher, Esq. Lieut. Governour.

Major Wm. Vaughan, George Jaffrey, } Esqs. John Plaisted, Saml. Penhallow, } Esqs.

Henry Dow, Esq.

Ordered that the Treasurer supply Lieut. Colonel Hilton from time to time, with such quantities of provisions, ammunition, &c., as he shall have occasion for in marching with any forces against the Enemy; and that the same be paid for out of the 100£ Act, Entitled an Act for supply of the forces with provisions to march against the Enemy.

Ordered, that the Honble the Lieutenant Governor, have four pounds paid him out of the Treasury, for his expense and charges in coming into this Province for her Majestys service.

[p. 167.] Province of New Hampshire.

At a Council held at Portsmouth, by adj^{t}, on Monday, the 29th July, 1706.

Present.

His Excellency Joseph Dudley, Esq. Governour.

Major Wm. Vaughan, Robert Elliott, George Jeffrey, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

The Governor acquainted the Council that he had a very ill account of Mr. Richard Gummer, one of the Justices of the peace of the Isle of Shoals, referring to his intemperance and quarrelsome temper and that he had thereupon thought fitt to remove him from the said office: which he directed the Secretary to give him notice of by a Letter in his name.

The Treasurer's Account was delivered into this Board for the year 1706.

The return of the Committee appointed to audit the Treasurer's Accounts were delivered into this Board

In haec verba sequen:

Province of New Hampshire, July 29th 1706.

Wee, under written, being by his Excellency the Governor in Council appointed to examine Mr. Treasurer Penhallow his account of publick payments, made since the first of December, 1705, and do find proper Vouchers for all excepting three articles, viz:

For loss of money in payment of his Excellencys salary at 17*s*: weight for 6*s*.	7: 18: 0
For his care and trouble in receiving, £923: 17: 2,	23: 1: 0
For his care and trouble in paying 889: 7: 9,	22: 4: 9

Geo. Jaffrey.
Jno. Plaisted.

This return of the Committee was read in Council and accepted, and the mony charged for Exchange, and Commission of five P. cent, for receipt and payment allowed,

and the Governour desired to signe warrants for the three several sums accordingly, with a Debenter for the Balance of tenn pounds, seventeen shillings and two pence, 29th July, 1706.

[P. 168.] Upon consideration of a minute of Council made the 17th of July, 1706, referring to Mr. Atkinson's Debenter for 27lb which was then allowed:

Ordered, That a warrant be given him for payment of the said sum, out of a Tax to be raised for the payment of those debts relating to Reforming the Fort. And that an addition of three pounds, upon his prayer by petition this day read in Council, be also allowed and put in his said warrant, which is in full of all those accounts; and for an hhd. of Bread lost in the River.

Province of New Hampshire.

[P. 169.] At a Council held at Portsmouth, on Monday, the 29th of July, 1706.

Present.

His Excellency Joseph Dudley, Esq. Governr.

Major Wm. Vaughan,	Esqs.	Saml. Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
George Jaffrey,		Henry Dow,	

Whereas there is a Warrant given to Mr. Thomas Packer for 10lb, 2s, 9d, being the proportion of this Province for entertaining his Excellency in May 1705, out of which several persons are to be paid several sums:

Ordered, That the Treasurer, when the said Packer comes to demand the 10lb, 2s, 9d, take care that the said several sums belonging to the several persons be first deducted out of the said 10lb, 2s, 9d; and by the Treasurer paid them accordingly, being for Hay, Graine, &c.

Mr. Samuel Penhallow, Treasurer, his acct. amot to 56lb, 10s, 3d, billetting souldjers and other expenses; Allowed and ordered to be paid in course out of the 700lb Rate.

Mrs. Harvye's Debenter amounting to 40£ for entertaining his Excellency in December last, was allowed and ordered to be paid in course out of the Treasury.

Mr. George Jaffrey, and Mr. John Plaisted are appointed as a committee to Audit the Treasurer's accounts and make report to this Board.

Elisha Bryer his Debenter amounting to twenty one days attendance upon the Council,—Ordered, that he be paid in course out of the Treasury.

Richard Jose, Esq. High Sheriffe his Debenter amounting to 9lb, 9s, 0d, for his attendance upon his Excellency, and Council, was allowed and ordered to be paid in course out of the Treasury.

[p. 170.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 30th of July, 1706.

Present.

His Excellency Joseph Dudley, Esq. Governour, &c.

Major Wm. Vaughan,	Esqs.	Saml. Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
George Jaffrey,			

Whereas there is an Action depending to be tried before the Governour and Council, between John Ring, Appellant, and Josiah Dow, Appellee, about the title of a Marsh lying upon Hampton River in the town of Hampton; and the warr pressing so hard upon us that the trial hath been adjd from time to time, and as yet is further adjd:

Ordered, That whereas the said Josiah Dow is actually in possession of the said Marsh, and recovered Judgment for the same, at her Majesty's Superior Court of Judicature in the said Province, that he be not molested by any person whatsoever, from mowing the grass upon the said Marsh, and carrying the same away, and in making such further Improvements thereof, as he shall see meet, till a

final definition be made in the said cause. And that the Secretary send a Copy of this order of Council to the Appellant or his Attorney.

Mrs. Elisabeth Harvye, her Debenter for Dieting and Lodging four souldjers from the 25th August, 1703, to the 8th of October then following, be allowed three pounds, fifteen shillings, and to be paid in course out of the Treasury.

It was ordered in Council, that unless Colonel Thomas Packer accepted of the terms offered him by the Treasurer, about the two rooms for the Council and Assembly and the Courts, that the Treasurer speak to Mrs. Harvye for two rooms in her house for the Council and Assembly to sit in; and that the Courts be held at the Meeting House.

The Governour directed the Gentlemen of the Council, upon the arrival of her Majesty's Frigott, the Dover, to send a copy of this minute to Major Walton, Commander [p. 171.] of the Fort at New Castle, that he dismiss two of the eight men resident at the Fort,—six being sufficient for a watch when so good force is in the River.

There having been Circular letters to the Selectmen of every town in the Province to raise provisions after the Rate of tenn pounds for every hundred men forthwith for the Service, it is now Directed that upon receipt of Letters from the Selectmen that the provisions are raised according to the said order, that the Council in the absence of the Governour do from time to time dispose the said provisions to be expended by the general Scout under the command of Colonel Hilton, in assistance of the service, till the same be expended; and the Towns severally thereby brought to a just equal expence, when the Towns may return to their former methods of supply, according to the Act of Assembly in that case provided.

Ordered, That whereas the Court of Appeals, consisting of the Governour and Council, is adjourned till the first Wednesday in August next, that the said Court be further adjd, till Wednesday, the 25th Septr, 1706.

[p. 172.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 25th September, 1706.

Present.

Major William Vaughan, Esq.

George Jaffrey, } Esqs.
John Plaisted, }

Pursuant to his Excelly the Governrs Letter of the 24th instant, Ordered, That a Thanksgiving day be kept on Thursday, the 17th of October next, throughout this Province, for Almighty God His gracious protection and assistance of her sacred Majesty, in the just Warr in which her Majesty is now engaged, and for the good conduct and courage wherewith her Majesty's Arms, in conjunction with her Allies, have been inspired to the obtaining of so many wonderful and glorious victories over their proud insulting enemies, thereby disappointing their boundless ambition: As alsoe for the defence vouchsafed to these her Majesty's plantations against the attacks of the French, who this present Summer have made their impressions upon some of her Majesty's Islands; for defeating the designs and attempts of the barbarous Indian Enemy and Rebels, and so far preventing of their outrages; for the plentiful Harvest after the immoderate rains, and excessive floods in the beginning of the Summer; for the great measure of Health; the return of many of our Prisoners from the French and Indian hands, and for other great and public blessings &c. And that all servile labor be forbid on that day: And that the Secretary issue forth proclamations accordingly.

Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 10th of October, 1706.

The Honble John Usher, Esq, Lt. Govern^r.

Major Wm. Vaughan Esq.
George Jaffrey,
Saml. Penhallow,
John Plaisted,
} Esqs.

The Council, having discoursed Colonel Thomas Packer for two rooms, one to hold the Courts in and Assembly to sit; the other for the Govern^r and Council to meet in—It was agreed, that the said Packer have 8^lb a year for the said rooms; the rent to commence from the 25th July, 1706: the said Packer to find Chairs, Tables, &c.

The Court of Appeals adj. till 10 a clock in the forenoon Thursday next.

JOHN USHER.

[P. 173.] Province of New Hampshire.

At a Council held at Portsm^o the 19th day of October, 1706.

Present.

His Excellency Joseph Dudley, Esq. Govern^r, &c.

Robert Elliott,
George Jaffrey,
Peter Coffin,
} Esqs.

Samuel Penhallow,
John Plaisted,
Henry Dow,
} Esqs.

The Muster Roll in two sheets, amounting to 175 : 1 : 0, is allowed and ordered to be paid to Colonel Hilton for himself and the Exeter men; To Captain Dow on behalf of the Hampton men; To Capt. Phipps, on behalf of the Portsmouth men; To Capt. Tuttle, on behalf of the Dover men; and for the saving charges of travel and transportation, the Treasurer is ordered to give an order upon the Constables for the whole sum, with a List of the names of the souldjers and their several sums, that the Capt^s severally may make just payment thereof.

Saml. Penhallow, Esq. Treasurer, his Debenter amounting to 14 : 14 : 0 for victualling souldjers at the Fort. Wm. and Mary, was allowed and ordered to be paid out of the 700lb Rate.

Adjourned till the 21st instant, 10 of the clock, ante meridiem.

Province of New Hampshire.

[P. 174.] At a Council held at Portsmouth, by adjt, the 31st October, 1706.

Present.

His Excellency, the Governr.

Peter Coffin, George Jaffrey, } Esqs. Saml. Penhallow, John Plaisted, Henry Dow, } Esqs.

Ordered, That in case of badness of weather or of sickness, &c. whereby the Judges of the Inferiour and Superiour Courts may be hindered for travelling or otherwise obstructed, to be at the Courts at the time of their sitting by Law; that it shall be in the power of one of the Judges and the Clerk of each several Court, to adjourn each Court from time to time as they shall see meet.

Whereas Capt. John Pickerin and Mr. Wm. Cotton, a Committee appointed at the last General Assembly to Audit and inspect the Account about Reforming her Majesty's Fort, being sent for to this Board to give in the said Account, answered that they wanted farther time to Audit the same.

Ordered, that the said Committee make yr Report of the said Accts. at the sitting of the next General Assembly of this Province.

Samuel Penhallow, Esq. his Debenter, amounting to three pounds, fourteen shillings and three pence, for necessarys for her Majesty's Fort. Wm. and Mary, allowed and ordered to be paid out of the 700lb Rate.

Upon a hearing of the Widow Rose and the Trustees to the feoffment made by Roger Rose ;—

Ordered, that the Will be proved, and Administration granted to the Widow, she giving bond, &c.: And that the feoffers pay out of the mony twenty pounds per annum, for her maintenance, and give account thereof from time to time before the Governor and Council, that there be no further complaint.

[P. 175.] Upon complaint of the Insufficiency of the Prison, Capt. Pickerin and Capt. William Cotton are appointed a Committee to repair the prison; to set a good board fence about it, and the Treasurer is directed forthwith to advance the mony necessary soe as to finish the work in twenty days, if possible, to be paid out of the present rate; and the Sheriffe is directed to put in a Prison Keeper that may always dwell in the House, to answer the escape of prisoners; who is recommended to the next Session of the Assembly to have a Salary for his service.

Major Vaughan is desired to inspect and be present at the repairing of the prison, and forward the same, and be at the agreement of the Prison-Keeper, and to report the same at the next General Assembly.

[P. 176.] Province of New Hampshire.

At a Council held at Portsmouth on Tuesday, the 22d of October, 1706.

Present.

His Excellency the Governour.

Major Wm. Vaughan, Peter Coffin, } Esqs. George Jaffrey, Saml. Penhallow, } Esqs.

Whereas it appears that Ephraim Eaton has paid the Tax for this present year 1706, to the Constable of Salsbury, and is now taken in distress for a Tax by the Constable of Hampton for the same year, both including his poll,

which is contrary to Law; and when there is a Committee of both Provinces to run the Line,—to take away this and several other complaints of the like Nature:—

Ordered, That the Constables of Hampton dismiss Ephraim Eaton upon his Parole, to attend him again immediately after the running of the said Lines, if so it shall happen that his house and lands fall within this Province.

Ordered, that Nicholas Gilman of Exeter be appointed as one of the Committee, in loco Mr. Nathan[ll] Weare, about running the Bounds between the Massachusetts Government and this Province.

[p. 177.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 19th December, 1706.

Present.

Major William Vaughan.

George Jaffrey, Esq. Samuel Penhallow, Esq.

His Excellencys Letter dated Boston the 16th Xber, 1706, relating to the preparing forty souldjers to march with others to Norridgawack, and to be fitted with ammunition, Snow-shoes, provisions, &c. for thirty six days, and Mr. Waldron be desired to assist therein, &c, was read at this Board.

Ordered that the Secretary write to all the Council to meet on Saturday next, 12 of the clock, at noon, and to write to Lieut. Col. Hilton to be present at that time.

Province of New Hampshire.

At a Council held at Portsmouth, on Saturday, the 21st December, 1706.

Present.

Major Wm. Vaughan,

George Jaffrey, Saml. Penhallow, Esqs.

Pursuant to an order of Council of the 19th instant, Lieut. Col. Hilton, being sent for to appear this day at the Board accordingly came, and two letters from his Excellency directed to the said Lt. Colonel Hilton, one bearing date the 9th instant and the other the 16th, were read at this Board; both which Letters related to the obtaining of forty volunteers in this Province, to join with two hundred of the Massachusetts, and to be commanded by the said Colonel Hilton, &c. to march upon an expedition to the Eastward agst the common Enemy.*

**Letter from Gov. Dudley to Col. Hilton.*

[Farm. and Moore's Hist. Coll. Vol. I. p. 268.]

"BOSTON, December 9th, 1706.

DEAR SIR—

I have determined to visit Noridgwock the 10th of January next, and accordingly am raising in this Province two hundred men to be commanded by Col. Martch, if his health will permit, whom alone I have acquainted besides yourself of my intention—therefore desire it to be secret—and must expect forty men of your Province, which I would have volunteers, otherwise they must be drawn men to be commanded by some very good officer; and if Col. Martch fail me, I must expect your service to command the whole party.

The men must be well fixed, cloathed and shod with snow shoes in good order. Communicate this order to the Gentlemen of her Majesty's Council as soon as may be. Attend them yourself to concert the matter, that they may provide victuals and blankets if need be. Our last departure will be from Casco Bay. Desire the Gentlemen of the Council to keep it secret, lest the noise of it get in the woods.

I am yr affectionate uncle

J. DUDLEY.

To the Hon. Lt. Col. Hilton."

NOTE. The Letter of the 16th is not found. But on the 19th of December the Governor wrote to Col. Hilton, that Col. March would not probably be able to take the command, and offered it to him. On the 15th of January, 1707, Col Hilton received a Commission from Gov. Dudley as "Chief Commander of the new raysed forces, within "the Provinces of the Massachusetts Bay and New Hampshire, for her Ma'ty's ser-"vice, in an expedition to Noridgwock & other Eastern parts against the French and "Indian enemy and Rebels; and Captain of the Company raissed for that service in "the Province of New Hampshire."

"This expedition was short, but considerably successful. On the 20th of January, they surprised four Indians, whom they killed, and one squaw whom they took. From her, they endeavored to obtain information relative to the Indians haunts in the neighborhood, and at last succeeded; but not till she had obtained from the Colonel a solemn promise that he would take her home with him, and never deliver her up to the Indians, but protect her against them. She then led them to a neck of land, where they found eighteen Indians asleep; seventeen of whom were killed, and the other was taken prisoner. This happened at break of day on the 21st of January, and in the morning of the same day, the story of the exploit was told at Portsmouth, a distance of sixty miles from the scene of action! The poor squaw, who, to save her own life, thus sacrificed the lives of her countrymen, found the 'white chief' true to his promise; and she lived in his family till her death."

The Gentlemen of the Council having discoursed the said Lieut. Colonel Hilton about what might be wanting towards furnishing the said volunteers, he acquainted this Board that as to Snow-shoes and Mogasheens, there were enough; and by the advice of this Board, the said Lieut. Colonel Hilton did say he would goe to Boston, and discourse his Excellency fully relating to the said march.

Ordered, that Lieut. Colonel Hilton be paid forty shillings out of the Treasury for his riding Charges to Boston, to discourse his Excellency in the above affair, and that the Treasurer be desired to advance the same.

[p. 179.] Province of New Hampshire.

At a Council held at Portsmouth, on Saturday, the fourth day of January, 1706–7.

Present.

Major Wm. Vaughan, George Jaffrey, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Mr. Sampson Sheafe, her Majesty's Deputy Collector for this Province, appeared at this Board and informed the Council that he had ordered some men on Board of a French Sloop that was come into this Harbor, from Port Royal, Lovis Aubert du Florelle, Master, least he might have French goods on board in order to trade with; and the said Mr. Sheafe desired that the said Master might be examined relating to what goods he had on Board, and from whence he came, &c.

The said Master of the Sloop produced his pass-port, dated the 15 December, 1706 at Port Royal; as alsoe a List of the Names of the English Prisoners he brought from thence, and alsoe shewed his Orders and Instructions by which he was to deliver all his Cargo to his Excellency, Joseph Dudley, Esq. Governour, &c, and to noe other, for and towards the payment of the French prisoners debts,

who were lately sent to Port Royal from Boston, by way of Exchange, &c.

The Council understanding the said Sloop to be a Flag of Truce, and by the said Master's Instructions that he was to deliver all his Cargo to his Excellency, as above said,

Ordered, that he be admitted to proceed on his voyage to Boston, first giving an account to the Collector of all his Cargo, &c.

[P. 180.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 9th of January, 1707.

Present.

Major William Vaughan.

George Jaffrey, Esq. Samuel Penhallow, Esq.

George Jaffrey, Esq. acquainted this Board that he had occasion to Register a Brigantine called the Dove, Richard Waterhouse, Master; and the Governour and Lieut. Governour being absent, desired that his oath might be taken to the said Register, and that they would please to order the Secretary to subscribe his name as an Attest of the Governour and Lt. Governour's absence, to said Regr.

George Jaffrey, Esq. having taken the usual Oath to the truth of the Register for the Brigantine Dove aforesaid, burthen of sixty Tons, or thereabouts, built at Kittery in the Massachusetts Government; and having also sworne to the same before the Deputy Collector of this Province;—

Ordered, that the Secretary sign the said Register, *in haec verba sequen:* "The Governor and Lt. Governor being absent and out of the Province."

By order of Council.

Chas. Story, Secretary.

[P. 181.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 13th day of January, 1706.

Present.

Major William Vaughan, Samuel Penhallow, John Plaisted, } Esqs.

Ordered, that there be a Shallop forthwith imprest with three men in order to transport the Stores and provisions for Col. Hilton and Souldjers to Casco Fort, upon an Expedition to the Eastward against the common Enemy; and that the said Shallopp be brought to Mr. Treasurers' Wharf, to take in the said Stores and provisions; and that the Secretary send out his warrant directed to James Levitt, Constable, to Impress the same, and to sail with the said Shallopp to Casco, and land the said stores at Casco Fort.

[P. 182.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 27th January, 1706.

Present.

Major William Vaughan.

Peter Coffin, Robert Elliott, } Esqs. Saml. Penhallow, Henry Dow, } Esqs.

His Excellency's letter of the 22d January 1706, was Communicated to this Board, setting forth that Major Smith would give notice to the Council of orders which he had rec'd from his Excellency, in expectation of a considerable body of the Enemy which was marched upon us; and that every body be in strict Garrison, and that a Scout be presently sent out under Capt. Davis or some other good Officer, &c.

The several Captains of the Militia of each Town of this Province being sent for to this Board, all appeared in order

to consult of proper methods relating to the security of her Majestie's Subjects against the French and Indian Enemy.

Whereas this Board is informed, that notwithstanding the Enemy is out in a vast body, yet several persons are daily out with several teams of Oxen some miles in the woods, upon the Frontiers, whereby they lye themselves exposed to the danger of the Enemy, and the Enemy may thereby be furnished with provisions, &c.

Ordered, That the several Captains of the Militia of the Frontier Towns call in all the said Teams, and suffer none to goe into the woods during the space of twenty days, upon their utmost peril; and that the Secretary issue forth orders to the several Captains accordingly.

Ordered, that Capt. James Davis command five men with sufficient arms and ammunition and snow-shoes, as a Scout, to range the woods betwixt Salmon Falls and Kingston, or elsewhere at the heads of the Towns, for the best discovery of the Enemy; [P. 183.] according to his discretion, and he is hereby Impowered to impress the said five men if he has occasion, out of any of the Companies of Militia in y^s Province, and he is to continue the said Scout from time to time till further order, and that the Secretary issue forth his warrant accordingly.

Ordered, that Mr. Treasurer find the said Capt. Davis and five men as a Scout, from time to time, with all provisions, till further order, and that the same be paid out of the Treasury.

[P. 184.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 17th of February, 1706.

Present.

Peter Coffin, Robert Elliott, } Esqs.

Saml. Penhallow, John Plaisted, Henry Dow, } Esqs.

His Excellency's Letter of the 10th of February, 1706-7, relating to proroguing the Assembly to the 26th March next, was read at this Board.

Ordered, that the said Assembly be accordingly prorogued, and that the Secretary write to the members of the Assembly to give them notice accordingly.

Pursuant to his Excellency's Letter of the 13th instant, relating to Colonel Hilton's march to the Eastward:

Ordered that the Treasurer provide and furnish Colonel Hilton and thirty soldiers with provisions and ammunition for forty two days, according to Establishment proper for an Expedition to the Eastward against the French and Indian Enemy; and what apparel the souljers may be furnished with, the value thereof is to be deducted out of their pay.

Ordered that John Abbott with his Shallopp be forthwith imprest, and two able men, to attend Colonel Hilton and his orders upon an Expedition to the Eastward against the French and Indian enemy, and that the Secretary issue forthe his Warrant directed to James Levitt, Constable, accordingly.

Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 27th March, 1707.

Present.

Major Wm. Vaughan,	Esqs.	Saml Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
John Gerrish,		Henry Dow,	

His Excellency's Letter, dated Boston, 17th 1706, was communicated to this Board relating to an Expedition to the Eastward &c. agst the common Enemy; and that victuals ammunition, &c. should be in readiness against the middle of April next, and that ten barrls of powder be provided, if soe much thereof as is in the Province Store, &c.; the

rest to be immediately by warrant taken into the publick store out of the merchants and inhabitants hands wheresoever; and that warrants be given out to the Sheriffe accordingly.

The Treasurer being asked what money or provisions was in the Treasury and what powder were in the stores, he answered, that pursuant to warrants signed by his Excellency, and the late Expedition of Col. Hilton and souldjers, the mony and provisions were all exhausted, and gone out of the Treasury; and what powder were paid him for Shipping, according to Law, he had delivered the same to Major Walton, Command[r] of her Majesty's Fort.

Ordered that the Secretary issue forth a special warrant to the Sheriffe for the impressing tenn barrels of powder for her Majestys Service, out of the Merchants and Inhabitants hands of this Province, or soe many Barrels of powder as the Sheriffe may find; and that the Sheriffe give a receipt to all persons from whom he shall impress such powder, according to the quantity of powder so impressed.

Ordered that Robert Ellott and Saml. Penhallow Esq. be a Committee to inspect into the publick stores of her Majestys Fort Wm. and Mary, and make their Report to this Board at their next sitting.

WM. VAUGHAN.

[P. 185.] Province of New Hampshire.

At a Council held at Portsmouth, the 13th March, 1707.

Present.

Major William Vaughan,
Samuel Penhallow,
John Plaisted.

Ordered that John Abbott with his Shallop, and two men

lately Imprest to attend Col. Hilton upon an Expedition to the Eastward, be from this day dismissed out of her Majesty's service, there being no further occasion at present for said men or Shallopp.

Ordered that Capt. James Davis discharge the small Scout made his Command until further order, and that the Secretary write him accordingly.

Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 9th April 1707,—ante Meridiem.

Present.

His Excellency Joseph Dudley, Govr.

Major Vaughan, John Gerrish, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Capt. James Davis Account about a Scout, by virtue of his Excell warrtts dated 22d October, 1706, To concert a march after the Enemy, amo to five pounds, three shilings, was allowed in Council and ordered to be paid in course out of the Treasury.

Capt. James Davis, his account about a Scout in January last, (by order of Council) amounting to fifteen pounds, three shillings and six pence, was allowed and ordered to be paid in course out of the Treasury.

[p. 186.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 9th April, 1707, post meridiem.

Present.

His Excellency the Governr,

Major Vaughan,
John Gerrish,
Saml. Penhallow,
John Plaisted, } Esqs.

The Will of John Hird, of Cochecha in the Township of Dover in the Province of New Hampshire, dated the second day of April, 1687, (as upon file,) was offered to this Board to be proved, approved, and allowed. The Witnesses to the said Will being dead, and died before the Executor of the said Will could have them Sworn in their lifetime, there being noe legal authority at that time in the said Province to allow or approve of the Probate of Wills, and the following Evidence was sworn, viz:

Wm. Vaughan, Esq. made oath before this Board, that he was well acquainted with Mr. Richard Waldron, one of the Witnesses to the said Will, and had frequently seen the said Richard Waldron write his name in his lifetime, and doth verily believe that the name of Richard Waldron as a Witness to the said Will, is of his own hand writing.

John Gerrish, Esq. made oath before this Board that he was well acquainted with Richard Waldron and John Evens, two of the Witnesses to the said Will, and had frequently seen them write their names in their life-times, and doth verily believe that the names of the said Richard Waldron and John Evens, as Witnesses to the said Will, are of their own hand-writing.

[P. 187.] John Hamm of Cochecha, in the said Province, yeoman, aged about fifty seven years, made oath that he was well acquainted with Richard Waldron, Abraham Lee and John Evens, witnesses to the Will before mentioned, and had frequently seen them write their names in their life-times, and doth verily believe that the names of the said Richard Waldron, Abraham Lee and John Evens, as Witnesses to the said Will, are of their own handwritings.

His Excellency the Governor and Council, having considered the legality of the said Will and the testimonials of the said William Vaughan and John Gerrish, Esq. and John Hamm, do declare the said Will to be proved, approved and allowed of.

Ordered, that the Secretary grant a Probate of the said Will under the Seale of the Province.

Probate of the said Will as foll:

Province of New Hampshire.

By his Excellency Joseph Dudley, Esq. Governor and Commander in Chiefe in and over her Majesty's Province of New Hampshire, and Vice Admiral of the same;

{ Seal. } To all to whom these presents shall come—Greeting: Know y^ee^ that on the ninth day of April, in the year of Our Lord, 1707, before me in Council at Portsmouth, in the said Province of New Hampshire, the Will of John Heard formerly of the Township of Dover, in the Province aforesaid, deceased, a copy of the said Will being hereunto annexed, was proved, approved and allowed and declared in Council to be proved, approved and allowed.

Given under my hand, and Seal of her Majestys said Province, the day and year abovesaid.

J. Dudley.

By his Excellency's Command

Chas. Story, Secretary.

Ordered, that the Secretary give notice to Tristam Hird that the Will above nominated, is approved and allowed of in Council, and that he has three months time allowed him to show just cause to this Board, why the said Will ought not to be approved and allowed of, if will contest the same.

[P. 188.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 17th April, 1707.

Present.

The Honble John Usher, Esq. Lieut. Govern^r.

Major William Vaughan,
Peter Coffin,
Robert Elliott,
Saml. Penhallow,
} Esqs.

Whereas the Honble the Lt. Govr did on Tuesday last issue forth his Warrant for Impressing of the Sloop Sarah and Hannah, Capt. Samuel Winckley Commander, as a transport in carrying souldjers upon an Expedition to Nova Scotia and L'Acadie, and his Honour having acquainted this Board thereof, the Council did well approve and allow of the same, and Ordered that Capt. Winckley be allowed as much P *mensem*, pro Rata, for the service of the said Sloop and Mariners on board, as the Transports in the Massachusetts Governm^t shall be allowed upon the same Expedition.

Ordered, that the Secretary issue forth a Warrant of Apprizement directed to Robert Ellott, Esq. Messrs. Richard Forster, Andrew Pepperel, Richard Wybird and John Frost, or any three of them to value and apprize the abovesaid Sloop, with all her furniture, tackle, apparel &c. to her belonging, and to take an Inventory thereof, and the said Inventory to deliver into the Secretary's office upon oath, immediately after the same shall be taken.

Ordered, that the Secretary issue forth a warrant to the Sheriffe or Constables of Portsmouth to Impresse Abraham Lewis, of Greenland, as a Pilot, to go in the said Sloop upon the said Expedition, and that when the said Abraham Lewis is imprest he is to enter into her Majestys pay according to custom, and to goe on board the said Sloop and observe his duty as a Pilot under the command of the said Samuel Winckley, during the continuance of the said Expedition.

[P. 189.] Province of New Hampshire.

At a Council held at Portsmouth on Thursday, the 15th May, 1707.

Present.

William Vaughan, Peter Coffin, Robert Elliott, } Esqs.

Pursuant to his Excellencys' Letter of the ninth of May,* instant, signifying he is of the opinion that Mr. Voderil at Quebeck, must needs know of the Expedition to Port Royal, &c. and therefore the said Voderil may give disturbance upon the Frontiers in these parts; and also desires that all people may be in strict Garrison and keep constant watching and warding, &c. and that Portsmouth and Hampton be ready to March to a distress:

Ordered, That Mr. Secretary Story, send out orders in his Excellency the Governours name to the Capts. of Dover and Exeter, to see all their people in strict Garrison, and that constant watching and warding be duly kept till further order.

Ordered, that Mr. Secretary Story give notice to Major Smith, of the purport of his Excellency's Letter above recited.

* *Letter from Gov. Dudley.*

[MS. Cor. Vol. I. p. 15.]

Boston, 9 May, 1707.

Gentlemen—

I am of opinion that Mr. Voderil at Quebeck must needs by this time know my Expedition to Port Royal, & will therefore give me disturbance upon the frontiers: I will be in all possible readiness to support your province, but I must have notice which cannot be given me but by a constant scout from all the frontiers, and a strict keeping to garrisons * * * of the people that are careless of themselves. I do therefore desire you, that in the Governor's name there go forth orders to visit all the garrisons by the Captains of each Town, & strictly charge their keeping their garrison & watching constantly; alsoe, from Exeter and Dover there be a constant scout out to discover & give me notice; & let Major Smith make ready, have Portsmouth & Hampton to march to a distress, & I will support you from Newbury, &c. Let me hear every . . . from the Secretary the occurrents.

I am your Humble servant

J. DUDLEY.

[P. 190.] Province of New Hampshire.

At a Council held at Portsmouth, on Sunday, the 15th day of June, 1707.

Present.

Major William Vaughan, Samuel Penhallow, John Plaisted, } Esqs.

Whereas Capt. Samuel Chisley and Lieut. Tippetts arrived here on Friday evening last from Port Royal in the Sloop Sarah and Hannah, Mr. Winckley Commander, which was imprest to transport sixty souldjers out of the Province upon an Expedition against the common enemy to Port Royal aforesaid; and the said Chisley and Tippetts with the souldjers under their command being all dispersed to and fro, and having given noe accounts to any of the Gentlemen of the Council how they came to leave their posts at Port Royal, or any reason why they came away:

Ordered, that the said Capt. Chisley be commanded to attend the Council to-morrow morning, by six of the clock, at the farthest, to be examined relating to the above Expedition; and that Mr. Secretary issue forth his warrant accordingly.

[P. 191.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 16th June, 1707.

Present.

Major Wm. Vaughan,

Samuel Penhallow, Esq. John Plaisted, Esq.

Capt. Lt. Samuel Chisley, according to command, appeared at ye Board and being asked what was the reason they were come away from Port Royal, and why he did not acquainte the Government of his arrival here in this Port, and how he came to disperse his soldiers:—

Answered, that there was General Orders given at Port Royal for every person to make the best of their way home; and that when he arrived here in Portsmouth, he went to Mr. Penhallow's house, one of the Council, to acquainte him of his arrival, but he was not at home; soe went to no other Gentlemans house; he did not know he had offended in it; but he was now sorry concerning it:—he said he had dispersed his men upon their promise to return at the beat of a Drum, and that he would call them together with all expedition.

Pursuant to his Excellencys Letter of the 15th instant:—

Ordered, that the Sloop Sarah and Hannah, Mr. Winckley, Commander, be kept in her present posture till further order:—And that Mr. Secretary Story write to Mr. Abraham Lewis the Pilot, and Mr. Thomas Webster sub-Commissary, forthwith to repair on Board the said Sloop, to give their attendance there in their posts till further order.

[p. 192.] Province of New Hampshire.

At a Council held at Portsmouth, 17th June, 1707.

Major Wm. Vaughan.

Robert Elliott, } Esqs.
Saml. Penhallow, }

His Excellency's Letter of the 15th instant was communicated to this Board, advising that the Fleet and Land forces are drawn off in a disorderly way from Nova Scotia, without his orders, very dishonorable to her Majesty, and with neglect of the service; therefore desired and ordered that if any of the vessels of that Fleet arrive in this Harbor or any place adjacent, that the vessel or vessels be caused to anchor there, and make known to the officers and souldjers that none of them presume to come on shore or

desert on pain of death—but to wait his Excellency's orders.*

Letter of Col. Hilton to his wife, before sailing on this, as it proved unsuccessful expedition.

"Casco Fort, July 16th, 1707.

My dear Spouse,

I can't but take all opportunities to salute you. I do earnestly embrace this as ye last before our departure.

Notwithstanding a thousand difficultys in our way, it's ordered that ye fleet prepare to take ye signal for weighing anchor to-morrow. The soldiers are utterly averse and will at best be but passive in returning to Port Royal, just as prisoners are transported; nevertheless, if Providence cast advantages into our hands there, they will eagerly embrace them, and if we obtain victory, God will now have a much greater share in our songs of triumph, than if we had been successful at first.

Dear Heart, pray hard for us, and cheerfully commit to ye Almighty's protection.

Your loving, loving husband.

Winthrop Hilton.†

* In the Spring of 1707, the three Provinces of Massachusetts, New Hampshire and Rhode Island raised two regiments, of about 500 men each, for the conquest of Port Royal. Col. Wainwright commanded one regiment, and Col. Hilton the other. Col. March was injudiciously appointed to command the whole. The expedition was an important one. The army arrived before Port Royal about the last of May. They had some little skirmishing with the enemy. But jealousy and dissension arose among the officers, which defeated the enterprise; and early in June, the army broke up in a disorderly manner and left the place. Hilton, with as many officers and men as did not choose to run away, retired to Casco Bay, and there waited further orders. The Governor was much displeased with the conduct of March and Wainwright; but Hilton had the good fortune to secure his approbation, and received from him the following complimentary and characteristic letter:

"Boston, 20 July, 1707.

My dear Kinsman—

I always had a just value for you as my good kinsman; but much more for your steady service for and love to your country. I have not neglected writing to you as being displeased, for I am not so—you being the only officer against whom I have no complaint. But truly, Sir, I was never so surprised by what the enemy can do against me, as I am at this intolerable ungoverned temper and base cowardice of my people. I pray you to be steady to Colonel Hutchinson and the gentlemen in command, to assist Colonel March. You have a brave Virginia prize in Port Royal harbour, and by and by will have the store-ship. And if you will be content to stay twenty days at Port Royal, they will desert and come over to you. However, let the Governor be obeyed and all will be well.

I am your affectionate Kinsman

J. Dudley.

To the Hon. Col. Hilton, Eastward."

[† See *Farm. & Moore's* Hist. Coll. Vol. I. pp. 249-250. Also N. E. Gen. Reg. Vol. 7. pp. 50-52.]

Major Walton, being notified to appear at this Board, accordingly came, and acquainted this Board that he was sent from Casco Bay by Colonel March, Commander of her Majesty's Forces Eastward, with a packet of Letters to express to his Excellency, and to wait his Excellency's answer, and soe to return to Casco again.

Major Walton and Mr. Elliott acquainted this Board, that on Saturday last, in the evening, there was a large Sloop in this Harbour, which they believe was Lieut. Colonel Wanton and Company, and the said Walton further saith, that Samuel Prey told him he was on board the said Sloop, and that it was Wanton's Sloop.

They alsoe acquainte that Perkins with his Company is in a Sloop at anchor at New Castle, in this Harbor.

Ordered, that Mr. Secretary Story issue forth his Warrant directed to Theodore Atkinson, Esq. pursuant to his Excellencys Letter of the 15th instant.

[P. 193.] Province of New Hampshire.

At a Council held at Portsmouth, on Friday, the 20th June, ante meridiem.

Present.

Major Wm. Vaughan.

Peter Coffin, Nathl. Weare, } Esqs. John Gerrish, Saml. Penhallow, } Esqs.

Whereas there were two Barrels of Powder, by his Excellency's order delivered out of the Fort for the Expedition to Nova Scotia, some time since, which powder proves not so good as was expected:

Ordered, That Capt. Atkinson, Commander of her Majesty's Fort at New Castle, goe and try the said powder, whether it be good or not; and if he have any better in the Fort, that he deliver other two Barrels of powder as an Exchange.

Whereas Capt. Samuel Chisley hath been ordered by the Gentlemen of the Council, pursuant to his Excellency's Letter of the 15th instant, to get all his souldjers together and to put them on Board of the Sloop Sarah and Hannah, Mr. Winckley, Commander, they being dispersed in a disorderly manner to the great hurt of her Majesty's service, and the same is neglected by the said Capt. Chisley; and and the souldjers still continuing dispersed; and whereas Major Smith received orders from his Excellency to get the said souldjers together and to put an officer over them to muster them in Capt. Chisley's room; and to put a guard upon the said Chisley, which is not yet done:

Ordered, that Mr. Secretary Story summons Capt. Chisley to appear at this Board by two of the clock in the afternoon; and to write to Major Smith that he take care to perform his Excellency's orders and directions about getting Capt. Chisley souldjers together, and to put them on Board the aforesaid Sloop, there to continue till his Excellency's further orders.

[p. 194.] Province of New Hampshire.

At a Council held at Portsmouth, the 20th of June 1707, post meridiem.

Present.

Wm. Vaughan,	Esqs.	Robert Ellott,	Esqs.
Peter Coffin,		John Gerrish,	
Nathl. Weare,		Saml. Penhallow,	

Robert Ellott, Esq. one of the members of her Majesty's Council, exhibited a complainte against Major Shadrach Walton, for abusing him and calling him a Knave, and threatening him, &c. as upon file.

Major Walton appeared and acknowledged before this Board, that he did call Robert Ellott, Esq. Knave; and that he did say, if Mr. Ellott took those persons parts, which the said Walton called Rogues and Rascals, and said

he would cut their ears and split their noses, he would doe the same to him, the said Ellott; and further the said Walton did declare that he was sorry that he should use such language to Mr. Ellott; upon which Mr. Ellott declared himself satisfied for the abuse used to his person, by the said Major Walton.

This Board having considered of the said complaints, do decree and determine that the said Major Walton be cautioned from henceforward, of threatening or abusing any of the members of her Majesty's Council; and that upon his humble acknowledgement he be discharged paying all charges accrued, which amounts to 2^{lb}, 16^{s}, 6^{d}, and to stand committed till he pay the same.

[P. 195.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 14th July, 1707.

Present.

Major William Vaughan.

Peter Coffin, Robert Ellott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

The petition of several of the Coasters Sloops between Boston and Piscataqua about the exacting as a duty at the Fort Wm. and Mary, eighteen pence more of the petitioners, every trip, than what they think is due, was read at this Board, being sent hither by his Excellency to make report to him of the Custom and usage in that affair, which has been frequently taken as a duty formerly.

The Gentlemen of the Council make this Report: That about thirty years since it was customary for the Captain of the Fort at Newcastle to receive of the Coasting Sloops, one shilling, and the Gunner of the said Fort, six pence, every voyage for their passing the Fort; but when the Captain was Captain and Gunner, then he received the full

eighteen pence; and that no other eighteen pence hath ever been rec'd as a duty belonging to the said Fort, till within a year and a half last past, which hath been rec'd by Theodore Atkinson, Esq.*

The Information of Stephen England was read at this Board, relating to his being abused by Capt. John Gilman and the rest of the Committee in Exeter, by punishing him in making him ride with his face to the Horses tail, &c. as upon file.

Capt. Gilman pleaded that the Committee punished the said England for refusing to ward, sometime last summer, and for disobeying his warrant the 9th of this month.

The Committee prays that the hearing of the Information be referred to his Excellency in Council.

[P. 196.] A memorial was put in by Mr. Atkinson, of what necessaries is wanting at her Majesty's Fort Wm. and Mary, as upon file.

Ordered, that Robert Elliott and Samuel Penhallow, Esqs. be appointed as a Committee to survey her Majesty's Fort Wm. and Mary, and make report to the next Council, what necessaries may be wanting; and in the mean time, that the Treasurer supply the Captain of the said Fort with wadding and cloth for Carthridge Baggs.

Ordered, that the Committee of the Militia of Exeter be acquainted, that whereas Stephen England being appointed by the High Sheriffe of this Province to be his Deputy Sheriffe, and an Information being exhibited against the Committee of Militia in Exeter for abusing the said England, that the said England be free and clear from any Impress by the said Committee, for Scouting or otherwise, till the said Information is heard and determined; he the said England to doe military duty at the Garrison where he belongs, as watching, warding, &c.

* See Governor's Order on this Report, on subsequent page [514] under date "Boston July 28th, 1707."

[p. 197.] Province of New Hampshire.

At a Council held at Portsmouth, the 10th July, 1707.

Present.

Major Wm. Vaughan.

Robert Elliott, Saml. Penhallow, John Plaisted, } Esqs.

A Proclamation for a General Fast was ordered to be published being as followeth, viz:

(By his Excellency, Joseph Dudley, Esq.)

Captain General and Governor in Chief, in and over her Majesty's Province of the Massachusetts Bay and New Hampshire in New England:

A Proclamation for a General Fast.

Inasmuch as it is the Sovereign pleasure of the Righteous God, still to lengthen out the troubles of Europe, by the continuance of the war with the Common enemy of the repose of the Christian Nations; as also our own and our neighbors troubles in these her Majesty's Provinces and Colonies, with the French and Indian enemies and rebels; withal considering the importance of the Expedition which her Majesty's subjects here are now engaged in against the said Enemy and rebels; and the just reasons we have to implore the Divine Favor for the remission of our Sins, whereby we have justly provoked the Holy God and for his blessing upon that undertaking:—

I have thought fitt, by and with the advice of her Majesty's Council to appointe and order that Thursday, the [p. 198.] twenty fourth day of July current, be solemnized as a day of Public fasting and Prayer throughout those Provinces; Exhorting both Ministers and people in their several Assemblies religiously to attend the solemn services of the said day; that by a sincere and hearty confession of our sins, and humble reliance on the Divine Mercy, we may obtain from God, that our Sovereign Lady the Queen, with the Nations and Territories under her happy Government may always be under the protection of Heaven; her Majesty's life and Government long continued; her Council and Just Arms prospered; the designs of the Barbarous Salvages against us de-

feated; our exposed Plantations preserved, and the poor Christian Captives in their hands returned; and her Majesty's forces on the present Expedition may be under Heavens Conduct, and have good success; that the Government of these Provinces may have the Divine direction in all their Administrations; that health may be continued and the present year crowned with the fruits of Divine bounty, and that deliverance may speedily arise to the church of God, oppressed with the Tyranny of Anti-Christ, and every kind of peace and prosperity may be given and secured to us and our posterity, upon the firm and lasting foundations of the Divine blessing and favor: And all servile labor upon the said day is inhibited.

Given at Portsmouth, the tenth day of July, 1707, in the sixth year of the Reign of our Sovereign Lady Anne, by the Grace of God, of England, Scotland, France and Ireland, Queen, defender of the Faith, &c.

J. DUDLEY.

GOD SAVE THE QUEEN.

By order of his
Excellency, The Governor,
and Council, CHAS. STORY
Secretary.

[P. 199.] Province of New Hampshire.

At a Council held at Portsmouth,
23d July, 1707.

Present.

Major Wm. Vaughan.

Robert Ellott, Esq. Saml. Penhallow, Esq.

Pursuant to his Excellency's Letter of the 21st instant:

Ordered, that the Secretary issue forth several Proclamations to be read in the several Meeting-Houses of this Province tomorrow, and afterwards posted up, the Proclamation to be in the tenor and form hereafter expressed and to be signed by the Secretary.

per order of the Council.

CHAS. STORY,
Secretary.

Province of New Hampshire.

A PROCLAMATION.

Whereas several soldiers under the command of Capt. Samuel Chisley, upon the present Expedition, hath deserted her Majesty's service by running away from their Colours;—

These are therefore to make known to all and every such deserters, that if they do render themselves in two days time to any of her Majesty's Council in her Majesty's Province of New Hampshire, or at the house of Mr. Pepperell, over against the Great Island, soe as to goe on board of Capt. Blew, in order to return to the Camp, they will have his Excellency's the Governour's favour, and be acquitted of Corporal punishment; otherwise they will be proceeded against with the utmost severity of Law.

Given at the Council Chamber, at Portsmouth, the 23d July, in the sixth year of her Majesty's Reign, that is now over England, &c. Anno Domini, 1707.

Per order of the Council.

CHAS. STORY,
Secretary.

[P. 200.]

Ordered, that the Secretary write to the several Captains of the several Towns that they make known to any of Captain Chesley's men that are deserted, that if they shall within two days render themselves to some of her Majesty's Council within her Majesty's Province of New Hampshire, or at the house of Mr. Pepperell's over against the Great Island, soe as to goe on board of Captain Blew, in order to return to the Camp, they will have the Governour's favour, and be acquitted of Corporal punishment: otherwise they will be proceeded against to the utmost severity of the Law.

Ordered, that the Secretary write to Major Smith, that there be a strict watch kept at Sandy Beach, as was formerly, there being more than ordinary expectation of danger.

Letter from Gov. Dudley.

Boston, July 28th, 1707.

Upon the Report of the Gentlemen of the Council, annexed, referring to the fees to the Capt. and Gunner of the Fort at New

Castle; I do hereby strictly command that there be eighteen pence, and noe more taken as fees from vessels passing, for the whole fees of the two officers abovesaid, which shall be directed and divided between the said officers, upon a hearing between them; as the said officers will answer that default at their peril: And the Secretary is hereby directed to give a Copy of this Order to the Commanding officer at the Fort, and to acquainte all persons concerned herewith, and to enter the whole proceeding in the Council Book, to be of Record there.

Given under my hand.

J. DUDLEY.

Trial before the Superior Court of Judicature, of the Province of New Hampshire.

ALLEN vs. WALDRON.

August 12th 1707.

[In the History of New Hampshire (*Farm. Belk.* pp. 158–166), Dr. Belknap has given a succinct account of the great trial of Title to lands in the Province of New Hampshire, which was commenced in the Action, MASON vs. WALDRON, 1683; renewed from time to time, and finally terminated before the Superior Court, ALLEN vs. WALDRON, in August, 1707. All the papers, with the course of proceedings in the Courts, were placed on file in the Clerk's office at Exeter, where they have been carefully preserved. Through the courtesy of Charles G. Connor, Esq., Clerk of the present Supreme Judicial Court for the First District, the Editor has been permitted to take copies of the aforesaid papers. They are deemed of so much importance in the history of the State as to justify and require publication in full.

In transcribing these papers, the Editor has followed the order in which they are filed, endorsed and numbered, in the following "Memoranda." The copy of each paper is meant to be exact. Some of the Nos., as will be seen, are referred to as already in print, and accessible. The "Bond for Appeale," No. 44, does not appear on file. If entered into as required by the Court, "in the sum of two hundred pounds," the prosecution was not carried out: for, as Dr. Belknap says, "The loyalty of the people, and the distresses under which they labored by reason of the War, prevailed on the Queen's ministry to suspend a final decision; and before the Appeal could be heard, Allen's death, which happened in 1715, put an end to the suit, which his heirs, being minors, did not renew."

It will be observed that during the twenty-four years, 1683 to 1707, in which this action was in Court, the parties were entirely changed. Robert Mason, who commenced the action against Col. Richard Waldron, sen., of Dover, died in 1688. Waldron was killed by the Indians in June, 1689. The heirs of Robert, viz., John and Robert Tufton Mason, sold their right and interest to Samuel Allen, afterwards Governor of New Hampshire, in 1691. Allen renewed the suit against Richard Waldron, Esq., son of Col. Richard, deceased, but died suddenly in 1705. Then Thomas, of London, son of Samuel, took up the suit, and through his mother, Mrs. Elisabeth Allen of Hampton, as Attorney, carried it on till the decision was made, in 1707.—Ed.]

Memo[a]. Case between Tho. Allen, Esq. & Richard Waldron, Esq. tryed in her Majesty's Superiour Court, Aug. 1707.

The Venire and Return.

No. 1. Several Suits of the Inferior Court, Writ, Ejectment, &c.
2. Jury's Verdicts, Appeal, Bond, &c.
3. Reasons of Appeal.
4. Answers.
5. Patent from King James y[e] First, to y[e] Councill of Plymouth.
6. Grant from Council Plymouth to Capt. John Mason, 1629.
7. Do. " " " 1635.
8. Accott. of men, stores, &c. left by Mason's Agent.
9. Evidences, viz.
Geo. Walton,
Nath[l] Boulter & Jno. Redman,
Francis Small.
10. Langster & Palmer's Evidences.
11. Major Pike's Evidence.
12. Mason's Will, 1635.
13. Sir Jeffrey Palmer's opinion.
14. Sir Jones & Winnington's Rep[t].
15. Writ against Waldron, 1683.
16. Judgment Do.
17. Execution Do.
18. Dedimus from Boston.
19. Tufton Mason's Deed, to Allen.
20. Sundry Evidences.
Viz. James Ordway,

James Emery,
Henry Langster & Tho. Roberts,
Tho. Roberts,
Jno. Tuttle & Tho. Roberts.

21. Her Majes'y & Council's Order to find Specially, 1706.
22. Queen's affirming the Judgmt, 1702.
23. Tho. Allen's Letter Attorney.
24. Records from Cler. Supr Court in Boston about Mason & Gorge, &c.
25. Queen's Letter, 1703, to the Goverr.
26. Record from Sec. Story.
27. Pt of Gov. Cranfield's Commission.
28. His Maj's Letter, 1680.
29. Records from Sec. Story.
30. Repealing 2 Acts, 1703.
31. Records from Mr. Chamberlain with his Certificate abot the ?
32. Several Oaths about Mr. Allen's Possessing the Waste Lands, &c.
33. Letter from the Lds 1685, about Vaughan, &c.
34. Edd Northey's Reports.
35. Allen's Council move that the Jury find specially.
36. Indian Deed, 1629.
37. Geo. Vaughan's Rect.
38. Samp. Sheafe's Evidence.
39. Allen's Council motion for a special verdict.
40. The fine &c. aga Tufton Masons.
41. The Recovery, &c.
42. Jury's charge &c. & Verdict, Judgmt, &c.
43. Bill Costs.
44. Bond for Appeale.

No. I.

Several suits of the Inferior Court, Writ, Ejectment, &c.

Province of New Hampshire.

Att her majesties Inferior Court of Common Pleas, held at Portsmouth, the 5th Xber, 1706, being the first Thursday,

Prsent

Rich'd Waldron, Hen: Dow, Theo. Atkinson & Winthrop Hilton, Esqs. Justices:

The Court called & opened.

A wryt of Ejectment, of Jervis Ring, Contr Geo. Walton, being Enterd, Its ordered & by . . . Attornies, according to Rool of Court, annexed to the wryt, Mr. James Menzies, for Plt & Mr. Chas. Story, Attor for deft, and That Thomas Allen, Esq. bee plt in the room of Jervis Ring. and Richd Waldron, Esq. in ye room or stead of Geo. Walton.

The Case continued to the next Court. Vera Copia, Pr. Curm.

Henry Penny, Clr.

Pro. of New hampshire:

Att an Inferiour Court of Common Please held at Portsmo wthin & for sd Prov. the 5th day of december, 1706, being the first Thursday in decembr:*

Jervis Ring, plts. vers. Geo. Walton, deft.

Order of Court.

It is ordered by the assent of the Attornies of both parties, That Richd Waldron, Esq. Tennent of ye Lands & Tennements, in question, to be made deft in the stead of Geo. Walton, the now deft and ytt Tho. Allen of London In the Kingdom of England, Esq. son & heir of Sam. Allen, late of New Castle, in the Pro. of New hampshire, Esq. decd. be made plt in the stead of Jervis Ring, the now deft, and the sd Richd Waldron imedeately appeare at the suet of the sd Tho. Allen, plt. and . . . . Bayle & receive a decliration in plea of Trespass & Ejectment, & plead thereto * * * (not Guilty.) And that upon Tryall of ye Issue, he acknowlidg Lease, Entry, * * * And Insist upon ye Title only, otherwise that Judgmt be entered for the now plt Jarvis Ring, against ye now deft Geo. Walton, by default. And if the sd Richd Waldron upon the Tryall of the sd Issue shall not acknowlidge Lease, * * * Ouster, by reason thereof the plt his sd Bill against ye sd Richd Waldron, * * any further prosecute, then no coste to be adjudged upon such now * * * the sd Richd Waldron to pay ye plt such Cost as shall be taxed by the Court. It is further ordered, ytt if upon the Tryall of the Issue, a verdict shall be rendered for the sd Richd Waldron, or ytt it shall happen, ytt the plt shall not pros * * * for any

* This paper is much mutilated and partly illegible.

other cause than for not confessing Lease, Entry & Ouster, * * * the pl^{t} to pay such costs as shall be Taxed by the Court, to the s^{d} Rich^{d} * * *

5th Xber pr. By the Court
Cur^{m} Hen. Dow, Justice. Ja. Menzies, for ye pl^{t}.
Cha. Story, for ye def^{t}.

Pr Cl^{r} Vera Copia,
compared with orig-
enal on file. Pr Cur^{m}.
Henry Penny, Clk.

Declaration & Ejectm^{t}.
Ring vrs. Walton.
A Copy Delivered Mr. Waldron, the 10th instant.

Province of New hampshire in New England } ss.

Att an Infe^{r} Court of Common Pleas, held att Portsmouth for the Province afore^{sd}, on the fifth day of December, Anno Dom: 1706.

Thomas Allen. Richd Waldron.

Jervis Ring complains of *George Walton*, in the custody of the Sherrif, for that whereas Thomas Allen of the city of London in the kingdome of England, Esqr., son & heir of Samuell Allen, late of New Castle, in the s^{d} Province of New hampshire, Esqr. Dec'd. Proprietor of the s^{d} Province of New hampshire upon the fifth day of October, in the year of our Lord, 1706, & in the fifth year of the Reigne of our Soveraigne Lady Queen Anne, that now is over England, &c., At Dover, in the Province of New hampshire afore^{sd} hath Demised, granted & to farme lett to the s^{d} Jervis Ring, one Messuage & Tenement, one Barne, one Gardine & Orchard containing twenty acres, Arrable land one hundred acres, Meadow & Marsh land one hundred acres, pasture land fifty acres, feeding land, one hundred acres, Woodland & underwood, four hundred acres, & one saw milne scituat, lying & being in the precincts of the Town of Dover afore^{sd}, in the province afore^{sd},—To have & to hold the Messuage & Tenement afore^{sd}, & all other the premisses, with the Appurtenances to the s^{d} Jervis Ring & his Assigns from the Twenty-fifth day of September now last past, untill the full end & terme of five years from thence next ensuing, & fully to be completed & ended: By virtue

[Not Guilty Cha. Story Attr. for deft.]

of which demise, The s^d^ Jervis Ring into the Messuage & Tenement afore^sd^ with the Appur^cs^ Entered, & was possest thereof, until the s^d^ George Walton, afterwards, the same fifth day of October & in the fifth year of Queen Ann's Reign aboves^sd^, in the s^d^ year of our Lord, with force & armes, &c. Into the messuage & tenement afore^sd^ with the Appur^cs^ In & upon the possession of the s^d^ Jervis Ring hath entred, And him, the s^d^ Jervis Ring, from his farme afor^sd^ (his terme therein not being yet expired) hath ejected Amoved, expelled, And him the s^d^ Jervis Ring from his possession therein as afore^sd^ hath withheld & hitherto doth withhold, & other Enormities hath offered to him Contrary to the peace of our Soveraigne Lady the Queen, and to the Dammage of the s^d^ Jervis Ring, one thousand pounds in money: And thereupon he brings his suit, &c.

JA. MENZIES, for the Pl^t^. } Pledges of
CHA. STORY, for the Def^t^. } Prosecution.

Mr. Richard Waldron,

I am informed you pretend some title to the lands within mentioned, for which I am sued; you must therefor Imploy some Attorney to Appear for you at the next Infe^r^. Court of Pleas to be held at Portsmouth for the Province of New hampshire, the fifth day of December next; otherwise I, claiming no title to the same, shall suffer Judgment to pass ag^t^ me by default, & you will be turned out of possession, &c.

Yr^s^. GEORGE WALTON.

Dated at Portsmouth,
the Eleventh day of October, 1706.

Province Newham^re^.

Her Maj^es^ Inferior Court of Common Pleas held for this Province by Adjournment, this 15th of April, 1707.

P^r^sent.

Richd Waldron, Hen. Dow, Theo. Atkinson, Winthrop Hilton, Esqs. Justices.

The Court called and opened.
The Jury called and appeare, viz.

JURY.

John Partridge, forman,	Eph^r^. Mastine,
Joseph Joans,	Saml. Dow,
James Gilman,	Jno. Knowls,
Francis Matthews,	Jethro Furber,
Hugh Banfield,	Lieut. Jno. Gilman,
Jno. Dinnet,	Tho. Wilson.

The Court Adjourn^{d} for one hower & halfe.

Vera Copia.

Pr Henry Penny, Clk.

The Court opened. Richd. Waldron, Esq. *removed from the Bench whylest 'is case was tryeing.*

The wryt of Ejectment read. Tho. Allen, of Lond^{n}, Esq. Pl^{t}. & Ric^{d}. Waldron, Esq. Defend^{t}. Mr. James Minzey allowed attorny for the Pl^{t}. & Mr. Cha. Story, & Capt. Jno. Pickering attornys for the def^{t}.

The Jury all sworne, being no objection made, either by ye Pl^{t}. or Def^{t}. against any one of them.

Many Papers given in, or on file, & long pleaded to.

Vera copia. pr Cur^{m},

Henry Penny, Clk.

No. II.

VERDICT, JUDGM^{t}, BOND & APPEALE.

The papers on file given to the Court and the Case long pleaded was committed to ye Jury, with these directions to the Jury, viz.

Direc. That the Case was a Title of land. Mr. Allen brings his action against Mr. Waldron for such land as was ther sett forth in ye wryt: and you ar sworne to give according to Evidence. We are also to Informe you that her Maj^{ty} in Council hath been graciously Pleased, to order directions as to a special verdict, and you have both her Maj^{y} order in ye case. We therfor direct y^{tt} you observe her Maj^{ts} order therin, wch can give you better directions than we can give. Soe take the case, and we pray God direct you to doe that wch is just therin.

Vera Copia, pr Cur^{m}

Hen. Penny, Clk.

The Jury for some time went out, and Returned with ther verdict, viz.

Pro. Newham^{re}, April 15th, 1707.

Verd. Att. her maj^{ts} Inferior Court of Common Pleas, held by Adjournm^{t} at Portsm^{o}. Mr. Tho. Allen, Esq. Pl^{t}., Mr. Rich^{d}. Waldron, Esq. Defen^{t}. Wee of the Jury find for the def^{t}. cost of Court.

Pr me, *Jno. Partridg*, forman.

Vera Copia

Pr. Cur^{m} Hen. Penny, Clk.

The Plaintife, having befor moved for a special verdict, again moved it, That the Jury may be directed to bring in a special verdict.

The Court sent the Jury again out to consider further for the verdict: and after some time they returned with the same verdict, as befor, & would not alter it.

JUDGMT. Itt is therfor Considered by the Court, y^{tt} ye def^{t}. shall recover of ye pl^{t}. cost of Court accordingly.

Vera Copia
Pr. Cur^{m} Hen: Penny, Clk.

APPEALE. The Pl^{t}. prayes an appele to ye next Superior Court of Judicature, in this Pro. from ye verdict and Judm^{t}.

The Court allowed ye same;—giving security, as on file. (Mr. Menzies principal, Lt. Govr. surety.)

The aforgoing papers are a true Coppie of the whole case, Tryed at her Maj^{ts} Inferior Court of Common Pleas, held att Portsm^{o} by adjournm^{t} the 15th day of April, 1707: Wherein Tho. Allen, Esq. was Pl^{t}. and Rich^{d}. Waldron, Esq. Def^{t}. Verdict for the def^{t}. Cost of Court. Judgm^{t} accordingly.

Pr. Cur^{m}
Hen: Penny, Clk.

[Bond.] Know all men by these p^{r}sents, That we, James Menzies and John Usher, Esqs. Joyntly & Severly ar held and bound unto Richd Waldron, his heirs, Executors, Adminis^{ts} and Assigns, in the sume of Twenty Pounds Current mony of New England, to be pd. to the s^{d} Rich. Waldron, his heirs, Executo^{s} Admin^{r} or assigns, for ye paym^{t} of wch we bind ourselves, our heirs, & Exec^{ts} firmly by these pr'sents: dated ye 15th April, in ye 5th year of her Maj^{ts} reigne Anno Dom: 1707.

The Condition of ye above obligation is such, that whereas the above named Richd Waldron, Esq. recovered Judgm^{t} att an Inferior Court of Pleas, pr adjorm^{t} ye 15th Instant, against Tho: Allen, Esq. for cost of Court, from wch Judgm^{t} s^{d} Tho: Allen, pr his Attorny did appele to the next Superior Court of Judicature to be holden in this Pro: If, therefor ye Tho: Allen, Esq. shal prosecute his Appele accordingly to effect, and pay all such cost & dammage as shall be awarded against him, if the first Judgm^{t} be affirmed, then ye obligation to be voyde, else to remaine in force.

JAS. MENZIES.

Test.
Hen. Penny, Clk.

SEAL

No. III. *Mr. Allen's Reasons for Appele.*

Province of Newhampshire } ss.

To the honor^ble her Maj^ts Justices of the Sup^r Court of Judecature to be holden at Portsmouth within and for ye said Province, the 2^d Tuesday in August, 1707.

Thomas Allen, Esq. Appel^t
vers.
Richard Waldron, Esq. Appellee.

The Appell^ts Reasons of Appeal from a Judgment of an Infer^r Court of Common Pleas, (held by Adjournm^t at Portsm^o within and for said Province the fifteenth day of April, 1707) obtained against him by the s^d Richard Waldron, then Def^t in an action of Trespass & Ejectment brought by the Appell^t (then Pl^t) for a Messuage, tenament, Lands, &c. lying in the precincts of Dover, in the province aforesaid, as by the writt, Rule of Court & Judgment in the caus, (to wch the Appell^t refers) does more fully Appeal: To which Action ye Appellee (then Def^t) pleaded (not guilty) and so the caus was committed to the Jury, who refuseing to find a speciall verdict, delivered their verdict positively for the then Def^t, costs of Court and Judgm^t was by the Court entred up Accordingly: which Judgm^t is wrong & Erroneous & ought to be Reversed.

1. For that the verdict and Judgm^t should have been given for the Appell^t (then Plain^t) who ought to have Recover^d the Messuage & lands, Demands and Costs.

2. Because the Appell^t at the Tryall, by good sufficient Records, Royal grants, Deeds, Evidences and Conveyances in the Law, showed forth and proved an undoubted Right and title to ye Province of Newhampshire, of which the Lands in Question are part, and his being Lawfully possessed therein, with his Improvements thereupon, by building of sundry houses & forts thereon, &c. and planting of great guns in said forts; and is now ready to make out the same unquestionably to this honor^ble Court; for, that ye Defend^ts title supported only by pretence of Possession can never in Law amount to, or invest him with any Right to the premises;

3. Especially when the Appell^t & his Ancestors & those from whom he derives, have constantly been in the Lawfull possession af^sd Province (whereof the premises demanded are a part) either by themselves, their Agents, Tennents, or servants: And the possession was always accompanied with a Legal Right and Title to the same, evinced by authentick Records, Deeds, &c. well exe-

cuted in the Law; and the Appellees pretended possession hath been always Interrupted by the Appell^{t} & those from whom he derives his Right, by continuall claim made for the same, & more especially by a Judgm^{t} obtained by Capt. Robert Mason, dec'd, Proprietor of s^{d} Province against Richard Waldron, Esq, dec'd, father to the Appellee, whereby he Recovered the possession of the same lands now demanded, in the year 1683, as by the writt, Judgm^{t} & Execution on file in the caus (to which the Appell^{t} Refers) does plainly appeare.

5th* For that the Jurrors ought to have found a speciall verdict in the caus, which was very much pressed and argued for by the Pl^{s} Councill before the Jury went from the Barr, and insisted on, not only from the Law cours and practice in England in like Cases, but was alsoe enforced from her most Gracious Maj^{tys} order in Council, giving directions for that purpose.

6. The verdict being positive, the Appel^{t} has great Reason to Appeall unto, and pray this Honor^{ble} Court, That they would charge and direct ye Jury to Reverse the former Judgm^{t} and find ye matters specially upon their appeal, that so the matters of Law arising there from may be debated & determined & Judgment entred up thereupon according to Law.

All which matters and things, wth what may be further offered in Court, being duly Considered by the Honble Court & Gent. of the Jury, the Appell^{t} doubts not, but he shall obtain a Reversion of the former Judgment & have Judgment for him, for the possession of the Lands demanded, and costs.

JA. MENZIES,
JNO. VALENTINE,
substitute or attorneys of M^{dm} Allen, who is the Appell^{ts} Attorney.†

Portsm^{o}, 18th July, 1707.

The above reasons of Appeal wear then given in to the office of the Clerk of the Inferior Court of Common Pleas.

Pr. Cur^{m} Hen. Penny, Clk.

Indorsed—"To the Honor^{ble}, her Maj^{tys} Justices of ye Superior Court of Judicature now sitting In Portsmouth.

Mr. Allen."

* There seems to be a mistake or confusion in numbering.

† See paper on file.

No. IV. *Answer to Reasons of Appeal.*

Province of New Hampshire.

To the Honble her Majesties' Justices of the Superior Court of Judicature, to be holden at Portsmouth, within and for the said Province of New Hampshire, the second Tuesday in August, 1707.

The Answers of Richard Waldron, Esq. Appellee, to the Reasons of Appeale of Thomas Allen, Esq. Appellant.

1. To the first Reason of Appeale the Defend^t Answers, That the Verdict and Judgment of the Inferior Court were, as they ought to be; for that it was impossible that the plaintiffe either in Law or equity could Receive Judgm^t for the Lands in controversie.

2. To the second Reason of Appeale, the Defend^t Answers as follows:

Imprimis—as to the Deed or Grant from the Council of Plymouth to John Mason, Esq. in 1629, dec'd. from or under which the Appellant pretends to derive his Title to the Lands in controversie, it never was signed by the President nor any of the Law Council of Plymouth; nor indeed so much as by any Secretary or Clerk of the said Council, as all other their Grants of the like nature were. Secondly, There never was any Commission of Survey or Livery or Seizin made of the said Lands, which were alsoe usual with the said Council of Plymouth in and upon all their Grants of Land, and is alsoe of absolute necessitye in the Law, to make a Title to lands conveyed in that nature. And, Thirdly, the pretended Deed or Grant aforesaid never was Inrolled, as the Statute of England in such cases directs, and makes necessary. But, fourthly, that which Renders the pretended Grant to John Mason, Esq. the yeare 1629, very suspitious, and indeed of noe worth and value in the Law, is, that a great part of the lands mentioned to be conveyed in the said Grant to the said Mason, were granted but the yeare before in 1628, by the said Council of Plymouth, to the Governor and Company of the Massachusetts, by a very firme and good Grant, well and truly signed and executed according to Law and the form and method of the Grants of the said Council of Plymouth. And then, afterwards, viz. in the yeare 1635, the said Mason procures, as he pretends, a second Deed or Grant from the Council of Plymouth, of the Province of New Hampshire, and all the Lands therein contained;—a demonstration that the said Mr. Mason himselfe thought he had noe Grant in the yeare 1629, that he could rely upon. And it is alsoe

a thing in itselfe not to be supposed or believed that the Council of Plymouth should be soe Imposed on as to grant Mr. Mason in 1629, what they had before granted to the Massachusetts in 1628, or yet, a second time, to wit, in 1635, grant that to Mr. Mason, which they had before well granted in 1629, as the Appellant pretends: soe that in truth there never was nor could be any such Grant from the Council of Plymouth as that in 1629, but that the same is a pretended Grant, and noe more.

Secondly, as to the possession of the said John Mason, soe much pretended to and relyed upon by the Appellant, the Defendant answers as follows:

Imprimis—The said John Mason himselfe never was in this country, but dyed in England, in the yeare 1635. Secondly, whatever possession or Improvements the said Mason's Agents or successors might have or had in these parts of New England, it really was noe other than the settlement of a Factory and Trade with the Natives; And principally, for a Discovery of a place they called Laconia; and that alsoe in company with several other Merchant Adventurers in England, who for the support and security of their factors and Servants, and Especially from the Salvages, did Erect a Garrison or Fort as they call it, but never Amounted to a possession in Law, soe as any ways to make or confirme a Title to the Land of this Province; And therfor after a few years stay in these parts, they absolutely quitted their factoreys and little settlements, as finding the Trade of the Country would not answer their Expectations: And yet this is the mighty possession the Appellant Relyes upon.

3. To the third reason of Appeal the defendant answereth as followeth: First, That his father Richard Waldron, Esq. dec'd, was actually seized and possessed of the lands in controversie above three score years agoe, in his own demesne as of fee, and soe continued seized and possessed thereof unto the time of his death; after whose decease the lands in controversie desended to the Appellee himselfe, as his sonn and heire, who accordingly ever since the death of his father, hath constantly Injoyed and lived upon the same as his owne Right; and *Possession*, such a one as the Def^ts^ is, is noe such Right or Title-matter as Appell^t^ would pretend: for that first possession of itselfe in many cases makes a Title: And never with more Reason than in this case of the Def^ts^, forasmuch as his said father when he first obtained the possession of the Land in controversie, found it not only *Vaccum Domicilium*, but alsoe an howling Wildernesse, scituated among the Barbarous Salvages with whome, tho' he endeavoured to main-

tain a friendly correspondence, yett was forced in several successive Warrs to defend himselfe and his possession with a very great expence of a Great deale of mony, and at length his life itselfe. Secondly, The said Def^ts possession *was grounded on a very good Deed well executed in the Law, from the Indian Sachems & natives proprietors of these parts of America, bearing date the 17th May* 1629 (1), and quiett and peaceable possession delivered thereof by the said Sachems; And that in the Presence of the Governor & factors for the Company of Laconia, of which Mr. Mason was one, soe that Mr. Mason's agents or factors never looked on themselves to possess or live in this country as the propriety of Mr. Mason; but only as factors to manage a Trade as before sett forth.

Thirdly—And all this was transacted and done with the tolleration at least of the Council of Plymouth: And most certainly pursuant to the great end and designe of the Grant to the said Council, which was to Christianize the Heathen and to people and improve these parts of America for the honour, advantage and interests of the Crown and Trade of England. All which ends have been pursued and actually attained by the Appellee and his Ancestors, who therfor justly possess the same. And tho' the Defendant doth not pretend to any express Grant from the Council of Plymouth, yett that noe way affects the Appellant; nor can the Defendants want of such a Grant mend the Title of the Appellant, who must recover by force and virtue of his own Title.

Fourthly,—As to the Grant of the Council of Plymouth to the said John Mason in 1635, the Defendant answers as follows: First, That the Grant in 1635, had nothing but a Seale affixed to it, never inrolled, nor livery or seizin attending it, and in all things defective as the Grant before mentioned: viz. the Grant in 1629: but then secondly, the Defendant insists upon it, that the Appellant must relinquish one or the other of those Grants, and not rely on them both; it being contrary to the reason and usage of the Law to rely on two several Titles.

As to the writt of Judgment and Execution pretended by the Appellant against the defendants father,—the def^t answers:

1st. That the writt was for the possession of certaine lands and tenements in Cochecho, Dover, and other places in the said Province, without mentioning or ascertaining the quantity, place or Bound of the said Lands; than which nothing would be more necessary, & without which no Jury could ever legally finde a

(1) Italics by the Editor.

verdict, or Court give a Judgment. Secondly as to the Judgment, the copy made use of doth not come attested from any Book of Records; for indeed, there is noe such book to be found. Thirdly, as to the Execution, there never was any levied, nor was the said Richard Waldron ever interrupted in or amoved from his possession of the lands in controversie, by virtue of the said Judgment or Execution.

To the Fourth reason of Appeale the Defendant answers,—That true it is, that a special Verdict may be found by a Jury as the case may be; And alsoe that the Court cannot refuse a special Verdict if it be pertinent to the matter in issue, and containe the certainty and verity thereof; but then on the other hand, noe Jury is oblidged to give a special Verdict, or finde the matter at large, if they have noe doubt of the Law or fact in the case before them, for that the grounds and Reason of a special verdict are, when a Jury is under some doubt or difficultye of the evidence of the fact or the Law arising from the fact in the case before them; nor can a Jury ever be compelled, by any Court whatsoever, to finde a special verdict, when all matters are full and clear to their satisfaction.

As to the fifth Reason of Appeale, the Defendant hath no answer to make, for that it wholly concerns the Judges of this Honorable Court, who noe doubt will take care, in this as in all other cases, to do what to Law and Justice appertains. Besides which answers to the Appellants Reasons of Appeale, the Defendant humbly offers to the consideration of this Honorable Court and Jury:

1st. That by the Statute of the 21st of James 1st, Chap: 16th, noe Action of Ejectment cann be maintained, except the Plaintiffe in such Action or those under whom he claims, have been in possession of such Lands some time within twenty years of the bringing of such action: And if they have been out of possession sixty years, as the case now is, then by the statute of the 32d of Hen: 8th Chap. 2d, not only an Ejectment but a writt of Wright and all other Real Actions are Barred in respect of a subject; and alsoe in such cases, the Title of the Crown is Barred, by the statute of the 21st of James, 2d. And 2d by the statute of the 32d. Hen: 8th, Chap. 9th against buying of Titles, &c; It is enacted that noe person whatsoever presume to purchase any Mannors, Lands, Tenements, &c. of any person whatsoever except such persons soe selling or their ancestors, or they by whome he or they claime, have been in possession of the same or the Reversion or Remainder thereof, or takes the Rents or profitts thereof by the

space of one whole year next before such Bargain or Grant made. Now it is most certaine and undeniable that the Defendant and his Ancestors, and noe other persons whatsoever, have been in the Improvement or possession of the Land in controversie: And it was never soe much as pretended by the Appellant himselfe, that Robert Tufton Mason, deceased, was in any way in possession of the Land in controversie within one yeare or indeed any time before the time that the Appellant's father pretends to have purchased of the said Robert Mason; and all the mischeifs and inconveniences, provided against by the Statute of the 32d of Hen: 8th, by means of the Appellant's father purchasing the pretended and bare Title of the said Robert Mason, have been too true by sad Experience in this Province: viz. the great inquietness, oppression, vexation, wrongs and disinheritance of her Majesties loving subjects,—the great displeasure of Almighty God, the discontentation of her Majestie and the great hinderance and lett of Justice within this province.

All which matters and things being duely considered by this Honble Court and the gentlemen of the Jury, the Appellee doubts not but that he shall obtaine a confirmation of the former Judgment and costs of Court.

RICHD. WALDRON.

No. V. *Patent from King James ye First to ye Council of Plymouth* (1).

[This Document, which is of much length, is published in full in 1 Haz. Coll. 103-118.; in

Trum. Hist. Conn. App. Vol. 1; in Popham, (Me.) Ceb. pp. 110-118; and an abridgment by Hon S. D. Bell, in *Prov. Papers*, N. H. Vol. I. pp. 4-9, which see.—ED.]

(1) November 3, 1620, King JAMES the First by Letters Patent under the Great Seal, in the eighteenth year of his Reign, constituted a Council, consisting of forty noblemen, knights and gentlemen, by the name of "*The Council established at Plymouth, in the County of Devon, for the planting, ruling and governing of New England, in America.*" This Patent or Charter, which is the foundation of all the grants that were made of the country of New England, included, "All that part of America, lying and being in breadth from forty degrees of northerly Latitude from the Equinoctial Line, to the forty-eighth degree of the said Northerly Latitude,—and, in length, of and within all the breadth aforesaid, throughout all the main lands, from Sea to Sea."

No. VI. *Grant from the Council of Plymouth to Capt. John Mason*, 1629 (1).

[This Document is published in full, "*Prov. Papers*, N. H." Vol. I. pp. 21-26. Also Coll. N. H. Hist. Soc. Vol. I. pp. 304-310, which see.—Ed.]

No. VII. *Grant from the Council of Plymouth to Capt. John Mason, 22 April*, 1635 (2).

[This Document is published in "*Prov. Papers*, N. H." Vol. I. pp. 32-33.; in Coll. N. H. Hist. Soc. Vol. I. p. 311-312. Also in Hubbard's N. E. 231.—Ed.]

No. VIII. *Acct. of men, stores, &c. left by Mason's agent.*

[This Document is published in Vol. I "*Prov. Papers*, N. H." pp. 113-115. Also in Adams' Hist. Portsmouth. App. No. 1. pp. 393-4.—Ed.]

No. IX. *Evidences*, viz.

Geo. Walton, Nathl. Boulter & Jno. Redman, Francis Small.

[The "Evidences" of the above named are published in full, in Vol. I. "*Prov. Papers*," pp. 45-48, Nos. 16, 17, 18,—which see.—Ed.]

No. X. *Langster's & Palmer's Evidences.*

Henry Langster of Bloody Point, of Dover in this Province, aged ninety years or thereabouts, testifieth and saith, y^t^ ab^t^ the year one thous^d^ six hundred and thirty five, he arrived att ye port of Piscataqua River, in ye service of Capt. Jno Mason, & y^t^ he lived two years in ye service of said Mason, with Mr. Walter Neal, one of ye agents of said Mason att Little Harbour, then called Randevous;* Dated att Portsmouth ye 9th May, 1699.

(1) This Grant, made the 7th of November, 1629, comprised "all that part of the main Land in New England, lying upon the Sea-coast, beginning from the *middle part* of Merrimack River, and from thence to proceed northwards, along the sea-coast, to *Piscataqua River*, and so forwards *up* within the said river, and to the further head thereof; and from thence North-westwards, until *three-score Miles* be finished from the first entrance of Piscataqua river; and also from Merrimack, *through the said river*, to the farthest head thereof; and so, forwards *up* into the land *westward* until three-score miles be finished; and from thence, to cross over land, to the three-score miles end, accounted from *Piscataqua river*, together with all Islands and Islets within five Leagues distance of the premises, and abutting upon the same or any part or parcel thereof."

(2) This Grant to Mason, "extended from Naumkeag (Salem), to Piscataqua, and sixty miles northwestward within the land, together with the south half of the Isles of Shoals, and ten thousand acres at Sagadahock," (Me.)

* See Prov. Papers, Vol. I, (No. 17) p. 83.

And y^t there was a considerable stock of cattle, reported to be Capt. Jno Mason's. } HEN. LANGSTER.

Sworn in Court, May 10th, 1699.

Vera Copia, Pr. Curiam, SAMPSON SHEAFE, Clk.

Attest, RICHD. PARTRIDGE, Clk.

Christopher Palmer, aged seventy-three or thereabouts, testifieth and saith, y^t Mr. Gee* & severall other men whose names I doe not remember, lived at Little Harbour, & y^t they were reported to [be] agents and serv^ts to Capt. Mason, deceased, and had an house att Little Harbour aforesaid, called Randevous, and y^t they had in y^r possession (in y^r possession) several head of divers sorts of cattle wch were reported to belong unto said Capt. Mason.

Sworn in Court, ye tenth day of May, 1699.

Vera Copia, Pr. Curi^m, SAMPSON SHEAFE, Clk.

Attest, RICHARD PARTRIDGE, Clk.

Henry Langster, above ninety years of age, testifieth y^t ab^t ye yeare 1635, he came wth oth^rs from Eng^ld & served att Little Harbour, under ye comand of Capt. Neal, agent to Capt. Jno Mason, & y^t sometime since, one Ralph Gee kept Cattle y^r for s^d Capt. Mason; & others wth himselfe were imployed in making Staves &c. & y^t ye s^d Capt. Neal did build a fort on Great Island whiles agent for s^d Mason.

Sworn ye 3^d June, 170–†. before us & David Lawrance was notified to be present. THEO. ATTKINSON, JOSEPH SMITH } Justices of the Peace.

Prov. N. Hampsh^re.

The within three Evidences, viz. Henry Langstaf, Chr. Palmer & H. Langstaff, have been compared and are true copias from the Superiour Court's files, the 9th July, 1706.

Pr. THEODORE ATKINSON, Cler.

No. XI. *Major Pike's Evidence.*

Major Robt Pike, Esq. aged about eighty eight years, testifieth and saith, that he was well acquainted with Capt. Walter Neal, Mr. Henry Jocelyn, Capt. Francis Norton, Mr. Sampson Lane, when they lived ‡ at Piscataqua above fifty or sixty years past, att

* See Prov. Papers Vol. I. [No. 17] and p. 113.

† The last figure is obscure—it may be 4.

‡ See the foregoing names in Vol. I. Prov. Papers, p. 113. Also, Ad. Annals, Portsmouth, p. 18.—ED.

which time they lived att Piscataqua in ye Right of Capt. John Mason, and were agents (as was reported commonly) for him or his heirs, and that Capt. Neale lived in the Stone house att the mouth of Piscataqua river, of late called Little Harbour, and was always called Capt. Mason's Stone house; and that some time since one Mr. Gee lived in s^d house in the Right of Capt. Mason, & y^t afterwards Joseph Mason, agent for Mrs. Ann Mason, widdow of s^d Capt. Mason, lived att s^d house, att ye mouth of ye river afores^d in Right of s^d Mrs. Ann Mason aforesaid, and that this Deponent lodged one night in said house with said Mr. Joseph Mason, he being imployed by said Joseph Mason to assist him in Mr. Mason's affairs, above fifty years past; and the Deponent further saith that the above named Capt. Norton, and one Capt. Warnerton & Sampson Lane did all live in Piscataqua upon the Right of Capt. Mason, but cannot be positive of the name of the house they lived in, and that the Deponent bought of one Willcott, one of Capt. Mason's servants, one heifer for which he paid eighteen pounds, and that his wife before her marriage bought of the oth^r servants three of said Mason's cows, and paid seaventy five pounds for them to Mr. Gee; and that there was then a stock of neat Cattle belonging to Capt. Mason which said Norton carried away & further saith not.

ROBT. PIKE.

Pro. Mass. Essex, ss.

Maj. Robt Pike, Esq. p'sonally appeared before me the subscriber, & made oath to all above writtin, this 29th day of May, 1704: Attest, JOS. WOODBRIDGE, J. Peace.

Prov. New Hampshire.

Vera Copia—from the Superiour Court files compared the 9th July, 1706.

Pr. THEODORE ATKINSON, Clk.

No. XII. *Mason's Will*, 1635.

[This Document is here omitted, because the entire substance of the Will is published in Vol. I. "Prov. Papers," pp. 41–44. Capt. John Mason died between Nov. 26, 1835, when his Will was dated, and December 22^d, 1835, when the s^d Will was proved.—ED.]

No. XIII.

Sir Jeffrey Palmer's opinion: Attorney General of his Majesty.

[This Document is published in full in Coll. N. H. Hist. Soc. Vol. I. pp. 328-329. "The opinion" of Sir J. Palmer is, that by virtue of grants made to Capt. John Mason, "Robert Mason, who

is grandson and heire to the said John Mason, hath a good and legal right and title to the lands above conveyed by the name of New Hampshire." Dated, 8th November, 1660.—Ed.]

No. XIV.

Sir Wm. Jones, Attorney-General, and Sir Francis Winnington, Solicitor-General.—Their Report concerning Robert Mason's Title to the Province of New Hampshire, in New England, 17th May, 1675.

[This Document, like the preceding, recites the several grants made to Capt. John Mason, and in conclusion says, "We are humbly of opinion, that the now Petitioner, Robt. Mason, who is grandson & heir to the sd Jno. Mason, hath a good and legal Title to the lands above conveyed by the name of the Pro: of New Hampshire."—Ed.]

No. XV. *Writ against Waldron.*

[This "writ" is published in full in *Prov. Papers*, Vol. I. pp. 467–8. See also pp. 509–516.—Ed.]

No. XVI. Judgment of Court.

Att a Court of Pleas held at Great Island, the 6th of Novbr, 1683.

Robt Mason, Esq. Proprietor, Plt, against Richd Waldron, of Cochecho, Esq. deft, in an action of Trespass, for Illegally keeping him out of possession of certaine Lands & Tenements in Cochecho, aforsd, the Jury find for ye Plt the Land sued for, according to the Royal Commission, Tenn shil. damages, and Costs of Court.

Judgmt for the Plt accordingly: ye costs are six pound, four shil. & eight pence.

A True Record,
Richd. Chamberlyn, Clk.

Pro. New Hampsr.

Vera Copia of what's on file in ye Inferior Court of Common Pleas at Portsmo.

Pr. Curm Hen. Penny, Clk.

No. XVII. *Execution.*

New Hampsr.

To the Sheriff of ye Province of New Hampshr.

In his Majets name, you are hereby required by Execution, to Levy on ye estate, or for want thereof, ye body of Richd Waldron,

of Cochecho in Dover, Esq. the sume of ten shillings for damages, and six pounds, four shillings eight pence cost, with two shillings for this Execution; and also to deliver possession of ye lands and Tenements sued for, according to a Judm^t of ye Court of Pleas held att Great Island, the sixth day of November last, given for Robert Mason Esq. proprietor of the said Province. Faile not, and make your return according to Law. Dated the twelfth day of March 1683-4.

Pr. Cur^m R. CHAMBERLAIN.

To Mr. George Pearson,
Deputy Sheriff.
John Tufton, Sheriff.
Portsm^o Aug. 17th 1704.
A true copy from ye originall on file.
Attested by *Saml. Penhallow*, Recorder.

No. XVIII. *Dedimus from Boston.*

JAMES ye Second, by the Grace of God, of England, Scotland, France & Ireland, King, Defender of ye Faith, &c: To our trusty & well beloved Walter Barefoot, Nathanel Fryer & Henry Green, Esqs. Greeting:

Whereas, you were lately Justices of our Court of Pleas, in the Pro: of Newhamsh^e now in our Territory & Dominion of New England, whylst the same was our distinct Goverm^t and separate from the rest of our entire dominion, in wch time Robt Mason, Esq. by the Judgm^t of our s^d Court, did recover & have divers Judgm^t against John Heard, senior, of Dover, yeoman, Wm. Horne, of Dover, yeoman, Jenkins Joans of Dover, yeoman, Joseph Field of Dover, in Oyster river, yeoman, Charles Adams of Dover, yeoman, Tho. Roberts of Dover, senior, Wm. Furber, junior, of Dover, yeoman, John Hall, junior, of Dover, Nathan^ll Hill of Dover in Oyster river, yeoman, James Higgins, of Oyster river, yeoman, Zakery Field of Oyster river, yeoman, Philip Chesley, junior, of Oyster river, yeoman, Tho. Chesley of Oyster river, yeoman, Nathan^l Foulsom of Exiter, yeoman, Richd Morgan of Exiter, yeoman, Kingsley Hall of Exeter, yeoman, Ralph Hall of Exeter, yeoman, Christian Dolofe of Exiter, yeoman, Eph^r Foulsom of Exiter, yeoman, Philip Cart of Exiter, yeoman, Moses Levitt of Exiter, yeoman, Jno. Foulsom of Exiter, yeoman, Eliazer Jelkings of Exiter, yeoman, Jonath. Robinson of Exiter, yeoman, Jonath^n Thing of Exiter, yeoman, Andrew Wiggin of Swamscot, yeoman, Richd Waldron of Cochecho in Dover, Esq.

Humphrey Willson, of Exiter yeoman, Wm. More of Swamscot, junior, yeoman, Robt Burnham of Oyster river, Carpenter, Danl Lamprel of Hampton, yeoman, Peter Foulsom of Exeter, yeoman, John Gilman, junior & Ephraim Foulsom of Exeter, yeoman, Tho. Pickering of Portsm^{o} yeoman, Saml Keis of Portsm^{o} hatter, John Fletcher of Portsm^{o} Chirergent, Jno. Hunckings of Portsm^{o}, Wm. Earle of Portsm^{o} yeoman, Jas. Partridge, senior, of Portsm^{o} yeoman, Jno. Pickering of Portsm^{o} yeoman, Wm. Cotton of Portsm^{o} yeoman: severally as well, for ye possession of divers Lands & Tenements in ther several possessions, or for his costs & charges by him about his sayd suets against them severly expended: And whereas, that since y^{tt} time, and before any of the s^{d} Judgm^{ts} were executed, Wee have thought fitt to annex our s^{d} Pro: to our s^{d} Territory and dominion of New England, and make it appart of ye same, whereby as well the said Robt Mason, as other the Inhabititants of our s^{d} Province are subjected to the dispensation of our Lawes as they ar generally administered to our subjects in our s^{d} dominions: And whereas the s^{d} Robert Mason hath prayed us to provide him of a meet remedy in this behalfe; Wee, to that end, deeming it expedient that our Justices of our Superior Court of Pleas of our s^{d} Dominion, of the Records, prosses and quarrels afore^{sd} may be made certaine, command you, that the Records, prosseses afor^{sd} togeather with the wrytt concerning ye same, and all other things ye premisses in any wise touching or concerning, to our s^{d} Justices of our s^{d} Superior Court, distinctly and plainly, without delay you send, and this wryt, that, these things being inspected further, may be done that, wch according to Law ought to be done.

Witness, Joseph Dudley, Esq. att Boston the 13th day of July, in the 4th year of our reigne. Anno Dom. 1688.

Vera Copia from what's on file in the office of the Inferior Court of Common Pleas at Portsm^{o}. Pr. Cur^{m} Henr Penny, Clk.

[Note.—Connected on file with the foregoing "Dedimus," is the copy of a "Mandamus" by which, in 1680, Robert Mason was admitted to a seat in the Council, under President John Cutt.—*Prov. Pap.* Vol. I. p. 420. Farm. Belk. App. pp. 457-8.—Ed.]

No. XIX. *Tufton Mason's* Deed to Samuel Allen.*

[This Deed, being in connection with this suit a document of great value, is here printed in full. No printed copy of it, elsewhere, is known to the Editor.]

This Indenture made the Seaven and Twentyeth day of Aprill in the third yeare of the Reigne of our Soveraigne Lord and Lady, William and Mary, by the Grace of God of England, Scotland, France and Ireland, King and Queen, Defenders of the Faith, &c. Annoq. Dom: 1691, Between John Tufton Mason and Robert Tufton Mason, sons of Robert Tufton Mason, Sometime of the Parish of St. Martin's in the Fields in the County of Middlesex, Esq^{rs}, deceased, of the one part; And Samuel Allen of London, merchant, of the other part;—Witnesseth that for and in consideracon of the sume of Two Thousand Seaven Hundred and Fifty Pounds of Lawfull mony of England, to them the Said John Tufton Mason and Robert Tufton Mason now in hand, paid by the Said Samuell Allen, the receipt—whereof they doe hereby acknowledge and thereof doe accquitt and discharge the Said Samuell Allen, his Exct^{s}, Adm^{rs} and Assignes: And for diverse other good Causes and Valueable consideracons them thereunto Especially moveing, they the said John Tufton Mason and Robert Tufton Mason and each of them Have Granted, Bargained & Sold, and by these presents doe, and each of them doth, Grant, Bargaine and Sell unto the Said Sam^{ll} Allen, His Heires and Assignes, All that Part, Purport and Portion of the Maine Lands of and in New England in America;—beginning from the Middle Part of Naumkeck River, and from thence to proceed Eastwards along the Sea Coasts to Cape Ann and Round about the same to Pascattaway

*For the following notice of the Mason family, I am indebted to C. W. Brewster, Esq. in his "Rambles about Portsmouth," p. 130.

1. Capt. John Mason (original proprietor), married Anne Wallaston, and died [about] Nov. 26, 1635.

2. John Tufton, m. Anne Mason, dau. of John.

3. Robert Tufton, son of John, who took the surname of Mason, was born 1629, came to this country, 1680, and brought his two sons John and Robert. John was drowned in Virginia. Robert Tufton, d. at Æsopus, N. Y. in 1688, aged 59.

4. Robert Tufton Mason m. Catharine Wiggin. In 1691, he [with his brother John] sold his estate in New Hampshire to Samuel Allen of London. He died at sea leaving two children, Elizabeth and John Tufton.

5. John Tufton Mason m. in 1711, Susannah Pierce. He died in Havana, in 1718. His widow m. A. Martin, and their son was Capt. Thomas Martin of Portsmouth.

6. Col. John Tufton Mason, b. in Boston, April 29, 1713, m. Maria Theresa Van Harts Bergen. Their chil. were Sarah, Catherine and Anna Elisabeth. In 1746 he sold his title to the lands in New Hampshire. He d. in Bugden, Eng. Aug. 8, 1787, aged 74. His dau. Anna Eliz. m. Peter Livius.

Harbor, And soe forwards up within the River of Newichawanock, And to the furthest head of the Said River, and from thence Northwestward till Sixty miles be finished from the first entrance of Pascattaway Harbour; And also from Naumkeck through the River thereof, up into the Land west Sixty miles; from which Period to Cross over Land to the Sixty miles accounted from Pascattaway through Newichawanock River to the Land Northwestward aforesaid. And also all that the South halfe of the Isle of Shoales, together with all other Islands and Isletts as well imbaid as adjoyneing lying or abutting upon or near the premises or any part or parcell thereof,—within Five Leagues distance, not otherwise Granted to any by Speciall Name at any time before the Eighteenth day of Aprill one thousand Six hundred and Thirty Five: All which part and porcon of Lands, Islands and premises are called by the Name of New Hampshire or the Province of New Hampshire: And alsoe all that other parcell or portion of Lands, Woods and wood Grounds, lying on the Southeast part of the River of Sagadahock, in the Northeast part of New England aforesaid, at the mouth or entrance thereof, containing there Tenn thousand Acres, which Said other parcell of Lands is called and Known by the Name of Masonia: And alsoe that part and portion of Land in the Province of Maine, in New England aforesaid, beginning at the entrance of Newichewanock River and soe upwards alongst the said River And to the furthest head thereof, and to containe in Breadth, through all the Length aforesaid, three Miles within the Land from every part of the said River, And halfe way over the said River. And alsoe all that part of the Sea Coast of New England aforesaid, being a Great head Land or Cape and lying in the Northermost Part of the Massachusetts County and to the North Eastwards of the Great River of the Massachusetts, Stretching it selfe out into the Sea Eastwards, Five Leauges or thereabouts, and lying betwixt the Latitude of Forty two & Forty three degrees or thereabouts, and Comonly called or known by the Names of Cape Trabigranda or Cape Ann, with the North, South and East Shoares and Coasts thereof, the back Bounds thereof towards the Maine Land beginning at the head of the next Great River to the Southwards of the said Cape which runns into the Country of the Maine Land upwards westward, And supposed to be called Naumkeck or by what other Name or Names, the Said River is or may be called and soe forth Eastwards into the Sea; and to the uttermost parts of the Said head Land or Cape and Round about the same to the Northwards—& from thence along the Sea coast to the next Great River which

runns up into the Maine Land westward and Supposed to be called Merrimack, or by what other Name or Names the said River is or may be called, and Lying to the Northwestwards of the said Cape, and to the furthest head of the Said River; from which period to Cross over Land to the head of the other Great River which lyes Southwards of the aforesaid Cape, where ye Pambulacon began, and halfe way over (that is to Say) to the midst of either of the Said two Rivers which Bounds & Limitts the aforesaid Lands, both on the North and South thereof, together with the Great Isle or Island called Isle Mason lying neare or before the bay, Harbour or River of Aggawom, Together alsoe with all the Sects, Isles or Islands adjoyneing to any part of the precincts of the Lands aforesaid or lying within three Miles of any part of the Same; which said Part of the Sea Coast, Great Head Land or Cape, with the App^rs are comonly called or known by the name of Mariana: And alsoe all those Lands and Countries lying adjacent or bordering upon the Great Lake or Lakes or Rivers comonly called or known by the name of the River & Lake or Rivers and Lakes of the Irroquois, a Nation or Nations of Salvage People inhabiting up into the Landwards betwixt the Lines of West and Northwest, conceived to Pass or Lead upwards, from the Rivers of Sagadahock and Merimack in the Said Country of New England, together alsoe with the Lakes and Rivers of the Irroquois and other Nations adjoyneing, the Middle Part of which Lake is Scituate and Lying near about the Latitude of Forty Four or Forty Five Degrees reckoned from the Equinoctiall Line Northwards, and alsoe all the Lands, Soyle and Grounds within tenn Miles of any Part of the Said Lakes or Rivers, on the South East Parts thereof: And from the West end or Sides of the Said Lakes or Rivers soe far forth to the West, as shall extend halfe way into the next Great Lake to ye Westwards. And from thence Northwards unto the North side of the Maine River; which runneth from the Great and Vast Western Lakes and falleth into the River of Cannada, including all the Islands within the Precincts or Pambulacon described, wch Said Porcons of Lands, Rivers, and Lakes with the App^rs are Comonly called & Known by the Name of the Province of Laconia. And alsoe all those Towns, Villages, Ports or Places called Portsmouth, Hampton, Dover, Exiter, Little Harbour; Greenland, Salisbury, Old Salisbury, Concord, Sudbury, Redding, Billerikey, Gloucester, Cape Ann's Town; Ipswich, Wenham, Newberry, Rowly, Haverill, Andover, Bass Town; Wooburne, and all other Townes, Villages and Habitable Places, Scituate Standing or being in the Said Province of New

Hampshire; P'cells of Land, Wood and Wood Grounds called Masonia: Part of the Said Province of Maine Tract of Land called Mariana, Isle Mason, and Province of Laconia, or any of them. And alsoe all the firme Lands, Soyles and Grounds as well Under water as above water; And Dry Shoares, Creeks, Havens, Harbors, Bays, Ports, Rivers, Lakes, Floods, Waters, Mines and Mineralls, as well Royall Mines and Mineralls of Gold and Silver, as other Mines and Mineralls; be they such Mines and Mineralls or Veines of Metall as are Close and hidden in the Earth or openly seen in or upon the Earth (Saveing onely the Fifth Part of all the Oar of Gold and Silver to remaine to their Maj^tes^ their heires & Successors) All Quarries, Pretious Stones, Pearls, Amber Griss, Pine Trees, firr Trees, Oakes, and all other Timber Trees, Trees, Woods, Underwoods and all Fishings of what kinde or kindes of Fish Soever, whether Royall Fish, as Sturgeons—Whales, or any other Fish by whatsoever other Name or Names, they or any of them are or shall be called or known; Hunting, Hawking, Fowling, and all and Singular other Perogatives, Rights, Comodities—Jurisdiccons, Royallties, Priviledges, Franchises, Liberties, Preheminences, Marine Power, in and upon the Said Seas, Lakes and Rivers: And alsoe all Escheats, Casualities, Flotzam, Jetzam Lagan, Anchorage and other Such Dutyes; all Immunities, Sects, Isletts—P'quisites, and profitts of Courts, Deodans, Waves—[Waifs?] and Stray Goods of Felons, and Fugitives, Escheats, Casuall profitts, hereditam^ts^ and App^ts^ whatsoever, Scituate, lying, being, Arising, happning, accrewing or to be had, taken or enjoyed, or any ways belonging or appertaining into, upon, within, unto, or out of the Said Province of New Hampshire, P'cells of Land, Wood and wood Grounds, called Masonia; part of the Said Province of Maine, Tract of Land called Mariana, and Isle Mason, Province of Laconia or any of them. And alsoe all other ye Provinces, Mannors, Tracts, Porcons, or Parcells of Land, Islands, Townes, Villages, Habitable Places, Meadows, Pastures, Woods, Lands, Tenem^ts^, Piscories, Liberties, Royalties—Prerogatives and Hereditam^ts^ whatsoever and of what Kinde or Nature soever in New England or America aforesaid, whereof, wherein, or whereunto they the said John Tufton Mason and Robert Tufton Mason or either of them or any in trust for them, are seized, possessed or have any Estate, Rights, Title, interest, Equity of Redemption, Claime or demand whatsoever; And alsoe all the Reversion and Reversions, Remainder & Remainders of and in all and every the Hereditaments and P'mises in and by these P'sents Granted or menconed to be Granted, and all the Rents at the Rate of Six

Pence or any other sume by the Acre, And all other Cheife Rents, quitt Rents, or other Rents, Reservacons, Services, Issues, and Profitts, Reserved, due, payable, Issueing or Ariseing out of all & every or any of the Said hereditaments and P'misses in and by these Psents Granted or menconed to be Granted; And alsoe all those Letters Pattents heretofore Granted by his Late Maj^tie King Charles the first, unto Capt John Mason, Esqr. Great Grandfather or Ancestor of them the said John Tufton Mason, and Robert Tufton Mason, bearcing date on or about the Nineteenth day of Augt. in the Eleaventh year of his said Reigne. And alsoe all those other Letters Pattents, heretofore Granted by his late Maj^tie King Charles the Second, for and concerning the Governm^t of the Said Province of New Hampshire, bearcing date on or about the Eighteenth day of September in the one and Thirtyeth year, of his Said Maj^ties Reigne: And all other Letters Pattents, Royall Warrants, Royall Commissions, and Royall Letters at any time heretofore Granted of for or concerning the said Provinces, tracts of Land, hereditaments and P'misses in and by these Psents Granted or menconed to be Granted, or any of them: And all Rights of being absolute Lord and Proprietor of the Said Provinces, Tracts of Land, hereditam^ts and P'misses or any of them; and all Royall and other Rights, Powers, Liberties, Authorityes, Jurisdiccons, Royalties, benefitt, Advantages, and other Matter and things whatsoever in and by the said Letters Pattents, Royall warr^ts, Royall Commissions and Royall Letters or any of them Granted or menconed to be Granted. And all the Estate, Right, title, interest, Power, Authority, Claime and demand whatsoever of them the said John Tufton Mason and Robert Tufton Mason, or either of them, of, in, to, or out of, all and every the Said Provinces, Tracts of Land, Townes, Villages, Habitable Places, Letters Patents, hereditaments and p'misses in and by these psents Granted or menconed to be Granted or any of y^m: And alsoe all Deeds, writings, Rentalls, Accounts, Papers and Evidences whatsoever, any ways relating unto, touching or concerning the same hereditaments, and P'misses: To have and to hold the said Province of New Hampshire, P'cells of Land, wood and wood Grounds, called Masonia: Part of the said Province of Maine, Tract of Land called Mariana, and Isle Mason, Province of Laconia, and all & every the Said Townes, Villages, Habitable Places, Letters Pattents, and all and Singular other the hereditam^ts and Pmisses in & by these p'sents Bargained and sold or mentoned or intended to be bargained & sold unto the said Samuel Allen his heires and Assigns forever, to the onely use and behoofe of him the Said Sam-

uell Allen, his heires and Assignes for ever And to and for Noe other Use intent or purpose whatsoever. In Wittnesse whereof the Said Parties to these p'sents InterChangeably their Hands and Seales have sett the day and year first above written.

Recog^{d} 27th Apr. 1691.
P Jo: Tufton Mason.
Robt: Tufton Mason.
Jo. Edisbury.
John Tufton Mason, Robert Tufton Mason, Samuel Allen.

Sealed and Delivered
In P'sence of———
Dan^{ll} Withers,
Wm Lindsey,
Richd Witton,
Sam^{ll} Wilson,
Wm Linsey,
Mason, Tufton John et als.
&
Allen.
Vera Copia,
Rich. Partridge, S. C. Clk.

[There is an endorsement in Latin, illegible, signed by Andream Young, Reg'ry.—Ed.]

No. XX. *Sundry Evidences.*—[Mr. Waldron's.]

The deposition of *James Ordway,* Senior, of Newberry, in the County of Essex, in the Province of the Mathathusetts Bay in New England, of full age, Testifyeth:

That sixty three years ago, I went with Major Richd Waldron, and he with some others began the plantation comonly called Cochecha, of Piscataqua River, and then, as his serv^{t} I help^{t} him to break up land, and built a dwelling house, upon wch spott of land he dwelt all his life time, and dyed on said place.

In about two or three years after his first settlement, that he built a saw-mill and a corne mill, on the river comonly called Cochecha river, att ye Falls on s^{d} River. And I never knew or heard, y^{tt} ever ye s^{d} Waldron dwelt there but in his own right; never any man making any clayme thereunto, y^{tt} ever I heard of, untill now of late by Esq. Mason.

James Ordway, senior, appeared this 6th day of Feby, 1704, and gave oath to all ytt is above writen—before me,

THO. NOYES, Justice of Peace.

Pro. New Hampsh.

Vera Copia, Compared with ye files of the Superiour Court, this 14th April, 1707.

Pr. THEO. ATKINSON, Clk.

Prov. New Hamps.

Vera Copia from ye records, att ye Inferior Court of Common Pleas in Portsmo.

Pr. Curm HENRY PENNY, Clk.

James Emery, aged about seventy three years, who lived formerly in ye Town of Dover, in ye Pro. of New Hampr, but now of Dedham, of ye Pro. of Mathathusetts Bay in New England—Testifyeth & sayth, ytt he did formerly live wth ye late Major Richd Waldron, at Cochecha, in aforsd town of Dover; and ytt he did certainly know ye sd Waldron to have poss'ion of ye Land on boath sides of ye River att Cochecha, wher some years after the sd Waldron built a saw mill, & a grist mill on one side of ye river, and a saw mill on ye other side of ye River, and ytt ye sd Waldron had the possession of ye aforsd Lands in his own right for sixty years past and upwards, and built and lived thereupon. The deponent lived wth his father about three or four miles distant from ye sd Richd Waldron's settlement aforesd, and was frequently there; and about fifty eight years last past, the deponent lived for some time in sd Waldron's house, and wrought for him; and severall years befor the deponent came to live wth him, he had thirty acres or more of Land lying on ye north side of Cochecha River, within fence, & improved for Planting & sowing, besides what he had on ye south side of ye River.

JAMES EMERY.

Boston, in New England, 5th Feby 1704–5.

Jurat Coram, ISAAC ADDINGTON, J. Peace.

Prov. New Hamps.

Vera Copia, from ye Superior Court fyles Compared this 14th April, 1707.

THEO. ATKINSON, Clk.

Vera Copia from the fyles of ye Inferior Court of Comon Pleas, in Portsmo.

Pr. Curm HEN: PENNY, Clk,

The deposition of *Henry Langster*, aged about ninety years, Testifyeth & sayth:

That Major Richd Waldron, Esq., deceased, father of Richd Waldron, the def^{t}, was in Possession of ye Land in controversy above sixty years ago, & continued in ye Pos'sion thereof, untill his death: since wch the afore^{sd} Richd Waldron, his sonn and heir, has continued in the possession of s^{d} Land to this day.

Tho. Robert, aged about 65 years, Testifyeth to the truth of the possession of the Land above writen for fifty years last past.

13th August, 1700.

Bouth parties being p^{r}sent, the above depositions was sworne to befor Jno. Smith, and the rest of the Justices of the Inferior Court.

Pr. Cur^{m} RICHD. PARTRIDG, Clk.

Vera Copia, Attest, Richd Partridg, Clk.

Pro. New Hamp^{r}. Vera Copia from ye files of ye Superior Court, compared this 14th April, 1707.

THEO. ATKINSON, Clk.

Pro. New Hamp^{r}. Vera Copia from the files of the Inferior Court of Comon Pleas att Portsm^{o}.

HEN: PENNY, Clk.

The deposition of *Tho. Roberts*, aged about seventy years, Testifyeth & sayth:

That Major Richd Waldron, deceased, father to Ric^{d} Waldron, the def^{t}, was in possession of the land in Controversie above sixty years agoe, and continued in the possession therof untill his death; since wch the afor^{sd} Ric^{d} Waldron, his sonn & heir has continued in the possession of s^{d} Land to this day.

Sworne in Court, 22^{d} March, 1704-5.

Test.—THEO. ATKINSON, Clk.

Pro. New Hamp^{r}—Vera Copia, compared wth ye files of the Superior Court, ye 14th April, 1707.

Pr. THEO. ATKINSON, Clk.

Vera Copia from ye files ye Inferior Court of Comon Pleas, in Portsmo.

Pr. HEN: PENNY, Clk.

Capt. *Jno. Tuttle* & Mr. *Tho. Roberts*, severally of age, make Oath y^{tt} ye Land now in Controversie between Saml Allen, Esq. & Richd Waldron, Esq. and wch goeth by the name of Cocheeha, is within ye Township of Dover, and is ye Land y^{tt} Major Richd Waldron, father of the now defen^{t} lived on in his life time, & to the

time of his death, and y^tt ye now def^t is in Possession of ye same.

Sworne in Court, 22^d March 1704–5.

Pr. THEO. ATKINSON, Clk.

Pro. New Hamps^h.

Vera Copia from the Superior Court files, compared, the 14th April, 1707.

Pr. THEO. ATKINSON, Clk.

Vera Copia from the files of ye Inferior Court of Comon Pleas, in Portsmo.

Pr. HEN: PENNY, Clk.

Pro. New Hamp^h.

Att her Maj^tys Superior Court of Judicature, held for s^d Prov: on ye 13th of Feby 1704-5, & from thence continued, until 22^d of March, 1704-5.

Pr'sent.

Jno. Hincks, Jno. Gerrish &
Peter Coffin, Jno. Plasteed, Esqs,
Justices of s^d Court.

Saml Allen, Esq. Cont^r. } Ejectm^t.
Richd Waldron, Esq. }

Jury Sworne, viz:

John Loe, forman.	Saml Tippitts
Jer. Burnham	Edw. Toogood
Jonath. Philbrook	Jno. Brackett
Saml Marston	Nich. Gilman
Geo. Walker	Bylee Dudley
Saml Weeks	John Downing.

In ye s^d Case, Ric^d Waldron, ye def^t then putt in the five pr'seeding Evidences; as Attest, 14th April, 1707.

THEO. ATKINSON, Clk.

Vera Copia, from the fyles of the Inferior Court of Comon Pleas, in Portsmo.

Pr. Cur^m HEN: PENNY, Clk.

No. XXI.

Her Majesty's & Council's Order to find Specially—1706.

Att the Court Table at St. James,
the 16th day of May, 1706.

Pr'sent

The Queen's most Excellent Majty.

His Royall Highness Prince Geo: of Denmark,	Earle of Samford,
	Ld. Dartmouth,
Ld. Keeper,	Mr. Speaker,
Ld. Treasurer,	Mr. Bertee,
Ld. President,	Mr. Secrity Hedges,
Ld. Stewards,	Ld. Chiefe Justice Holt,
Duke of Schonberg,	Ld. Chiefe Justice Trevor,
Lord Great Chamberlin,	Mr. Howe,
Ld. Chamberlyn,	Leut. Genll Erle.

Upon reading this day at the Board, the humble petition of Tho. Allen, Esq. the only sonn & heir of Saml Allen, of New Hampshire, deceased, Praying an order of Council made in behalfe of his sd father, bearing date ye 17th day of December, 1702, may be renewed in the behalf of the petitioner, touching his Title to certain lands, or quitt-rents payable out of ye same, in possession of Richd Waldron, in New Hampsr:

It is ordered by her Majesty wth the advice of her privy Council, That ye directions given in ye behalfe of the petitioner's sd father, Saml Allen, deceased, by her Majets sd order in Councill, bearing date the 17th December, 1702, affirming ye verdict & Judgment given in the Superior Court in New Hampr, the 13th day of August, 1700, be renewed in ye behalfe of the petitioner, & ytt accordingly, the sd Tho. Allen, the petitioner, be at liberty to bring a new action *in Ejectment*, in the Court of New Hampshire.

In order to try his Title to ye Proprietie of ye Lands in question, or certaine quitt-rents payable out of ye same, & ytt ye Jury be directed to find ye matter specially, in case either parte shall require the same—that is—what Title the petitioner, or pl and defendt doe severally make out to the sd Lands in question; and ytt ye Poynt in Law be reserved to the Court befor whome the same shal be tryed: or if, upon such Tryall any doubt shall arise concerning the Evidence given at such tryall, such doubts are to be specially stated, & taken in wryting, to ye end that in case either party shall think fitt to appele to her Majty in Council, from ye Judgmt of ye Court therein, her Majty may be more fully informed, in order to a final determination of the sd cause. And the Governr

Lieut. Governr & Councill, of ye said Province, & Judges of the Court there for ye time being, and all other pr'sons whome it may concern, are to take notice thereof and to governe themselves accordingly.

EDW. SOUTHWELL.

15th April, 1707.
Vera Copia, Compared
wth the Original read in Court
Pr. Curm Hen Penny, Clk.

No. XXII. *Queen's affirming the Judgm't*, 1702.

[The following paper is indorsed—"Coppie of ye Judgmt of the Queen & Councill in Confirmation of the Judgment given agst Saml Allen, in New Hampshire.
Dated the 17th day of Xbr, 1702."]

Loco Sigilli

At the Court at St. James', the 17th day of December, 1702.

Present.

The Queen's most Excellt Majestie.

His Royall highness, Prince G. of Denmark,	Lord Chamberlayne,
Lord Keeper,	Earl of Northampton,
Lord Treasurer,	Earl of Burlington,
Lord President,	Earl of Radnor,
Lord Privey Seal,	Earl of Nottingham,
Lord Steward,	Earl of Abington,
Duke of Somerset,	Earl of Bradford,
Duke of Ormond,	Ld. Viscount Weymouth,
Duke of Bolton,	Lord Ferers,
Duke of Marlborough,	Lord Pawlet,
Lord Conningsby,	Lord Dartmouth,
Mr. Bertie,	Mr. Chanclr of ye Dutchy,
Mr. Granville,	Lord Chief Jus. Holt,
Mr. Boyle,	Mastr of ye Rowles,
Mr. Secy Hedges,	Lord Chief Jus. Trevor,
	Mr. How.

Upon reading this day at the Board, a Report from the Rt Honorble the Lords of the Committee for hearing of Appeals from the Plantations, dated the 8th of this month in ye words following, viz:

The Lords of the Committee having, in Pursuance of Her Majts

order in Councill of the 23d of July last past, considered the Petition and Appeal of Samuel Allen, Esq. Proprietor of the Collony * of New Hampshire, from a Verdict & Judgmt given against him in the Superior Court of Judicature in New Hampshire, the 13th day of August, 1700, in favor of Richard Waldron; and having heard the parties concerned in the sd Appeal, by their Councill learned,—Their Lordships agree humbly to Report their Opinion to her Majty in Council, that the said Judgmt be affirmed. But in regard the sd Judgmt is not final in its Nature, that the Appellant be left at Liberty to bring a new Action in *Ejectment* in the Courts in New Hampshire, in order to try his Title to the Propriety of the Lands in question, or certain quitt-Rents payable out of the same; & that in case, upon such tryall any doubt in Law shall arrise, the Jury be directed to find the matter specially—that is, what Tytle the appellant and Defendt doe severally make out to the sd lands in question; and the point in law be reserved to the Court before whom the same shall be tryed; or if upon such tryall any doubts shall arise concerning the Evidence given at such tryall such doubts are to be specially stated and taken in wryting, to the end, that in case either party shall think fitt to appeal to her Majty in Council from the Judgmt of the Court therein, Her Majty may be more fully informed in order to a final determination of the said case.

Her Majestie in Councill approving the same, is pleased to order that the said Judgment given in the Superior Court of Judicature in New Hampshire, the 30th of Augt 1700, be, and the same is hereby affirmed: But in regard the sd Judgmt is not final in its nature, that the Appellant be left at liberty to bring a new Action in Ejectment, in the Courts in New Hampshire, in order to try his title to the propriety of the lands in question, or certaine quitt-rents payable out of the same, & that in case upon such tryall, any doubt in Law shall arise, the Jury be directed to find the matter specially;—that is, what Tytle the Appellant & Defendant doe severally make out to the sd lands in question, & that the point in Law be reserved to the Court before whom the same shall be tryed; or if, upon such tyrall any doubt shall arise concerning the Evidence given at such tryall, such doubts are to be specially stated and taken in wryting, to the end, that in case either party shall think fitt to appeal to her Majesty in Council, from ye Judgment of the Court therein, her Majtie may be more fully informed, in

* This appears to be the first time that New Hampshire is called a "Colony," in any official document.—Ed.

order to a final determination of the said case: & ye Govern^r, Lt. Govern^r & Council of the s^d Province, and all other p'sons whom it may concern, are to take Notice hereof, and to govern themselves accordingly.

EDWARD SOUTHWELL.

Coppie.

No. XXIII. *Mr. Tho. Allen's Letter-Attorney to Mrs. Allen.*

[NOTE.—Thomas Allen, son and heir of Samuel Allen, Esq., deceased, resided in London; and he gives a power of attorney to his mother, Mrs. Elizabeth Allen, who resided in Hampton, N. H., to carry on the suit in which he was engaged.—ED.]

TO ALL PEOPLE, to whom these p'sents shall come:—I, Thomas Allen, gent., son and heir of Saml Allen, late of the Province of New Hampshire, within her Maj^tys Territory of New England, deceased,* Esq., Greeting: KNOW YE, That the said Thomas Allen, for divers good considerations me thereunto moving, have made, ordained and constituted, and by these pr'sents, do make, ordaine and constitute my honoured Mother, Elizabeth Allen, relict of the said Saml Allen, my true and Lawful Attorney, for me, and in my name, and to my use, to enter into and upon (and Possession thereof to take) all and singular, the messuages, Lands, Tenements and Hereditaments, with their and every, right, members and appurtenances, lying and being within the aforesaid Province of New Hampshire, or elsewhere within her Majes^ty said Territory of New England, and which are descended and come, and doe of right belong to me as heir at Law, to my said deceased Father, Samuel Allen, or wch do, in any otherwise howsoever, of right belong to me the said Thomas Allen: and of and into which I the said Thomas Allen now have or hereafter shall or may have any right, title, estate, possession, reversion, interest, claim or demand, either in Law or Equity howsoever, Giving and by these p'sents granting unto my said Attorney full power and authority for me, and in my name to aske, sue for and demand, all and every the aforesaid Messuages, Lands, Tenements and hereditaments with their and every of their right, members, and appurtenances, as also full power in my name, to Eject, Evict, Expell and amove all and every the occupyers and Possessors thereof, and all other person and persons whatsoever claiming or pretending to claime any right, title, interest or demand of, in or to the same. And I doe farther, by these p'sents give and grant to my

* Samuel Allen, Esq., died suddenly, at New Castle, May 5, 1705, aged 69 years.

said Attorney full power and authority for me and in my name, to aske, Demand, receive, sue for and recover of and from all and every person and persons whatsoever, all such rents or rents, arrearages of rents and all and every such sum and sums of money as now are, or hereafter shall or may be due, owing and payable to me, the said Thomas Allen, within the sayd Province of New Hampshire or elsewhere within her Maj^tys sayd Territory of New England; and upon recovery or receipt thereof or of any part thereof in my name, one or more acquittance or acquittances of receipt and discharge for the same, to give, make and execute; as also full power and authority one or more attorney or attorneys under her to make, substitute and appoint, for the purposes aforesaid. And I doe farther give & grant to my said attorney full power and authority to make, doe, execute and to suffer to be made, done and executed, all and every such act and acts, thing and things whatsoever, for recovery, and receipt of the p'emises, and every of them, which I myselfe might Lawfully doe, if personally present: hereby

Ratifying, Confirming, approving and allowing, whatsoever my said Attorney shall Lawfully doe or cause to be done in and concerning the premises.

In witness whereof, I have hereunto sett my hand and seale, this 10th day of August, in the Fourth year of the Reigne of our Sovereign Lady ANN, by the Grace of God, of England, Scotland, &c. Queen, Anno. Dom. 1705.

THOMAS ALLEN. {Seal}

Signed, sealed and Delivered
after being duly stamped, in the p'sence of

THOMAS NEWTON,
DAVID MASON.

Boston, in New England, 5th December, 1705.

Captain David Mason, personally appearing, made oath, That he saw the within named Thomas Allen signe, seal and deliver the within written Instrument or Letters of Attorney, as his Act and Deed to the use therein mentioned; and that Thomas Newton, Esq. together with him the Deponent, sett to their hands as witnesses of the Execution thereof.

Jurat Cor. ISA. ADDINGTON, J. Peace.

Boston, 7th Decr 1705. I, *John Valentine*, Notary and Tabellion * Publick, for her Majts Province of the Massachusetts Bay in New England, by authority admitted and sworne, doe attest, That Isaac Addington, Esq. before whom the proofe of the original Letter of Attorney (whereof the within written is a true and exact coppy,) was taken, is one of her Majts Justices of the Peace for the County of Suffiolk within the said Province; before whom affidavits are commonly taken and made; and accordingly full Faith and credit is to be given thereto, in Judgmt, Court, &c.

Qd. Attestor rogatus.
JNO. VALENTINE, Not. Publick.

Indorsed,—"Mr. Tho. Allen's
Letter Attorny to Mrs. Allen.

No. XXIV. *A Special Venire for the Jury.*

[NOTE.—The indorsement on this paper seems not to correspond with No. 24 in the "Memoranda."—ED.]

Province of New Hampshire.

ANN, by the Grace of God, of England, Scotland, France and Ireland, Queene, &c. To our Sheriff of our Province of New Hampshire, Greeting:

{Seal}

We Command you, that you cause to come before our Justices of our Inferior Court of Common Pleas to be held at Portsmouth for our sayd Province, the first Thursday following the first Tuesday in March next, Twelve free and legal men of the neighborhood within our Province aforesaid, Every one of whome must have Forty shillings per year at least, or Fifty pounds sterling in personall Estate, at least. By whome the truth of the matter may be better knowne, and who are in nowise by any affinity related either to Thomas Allen, Esq. Plt nor to Richard Waldron, Esq. Deft, to make a certain Jury of the country, between the parteys aforesaid, of a plea of Trespass in Firme Ejectment. Because as well the saydd Richard Waldron as the aforesaid Thomas Allen, betweene whome the said contention is, have put themselve

* *Tabellion*—a Secretary or Notary under the Roman Empire, or in France during the Old Monarchy.—*Web. Dic.*

there upon that Jury; and have you there then ye Names of those Jurors; and this Writt witnesseth.

RICHARD WALDRON, Esq. at Portsmouth, the 15th day of January, in the fifth yeare of our Reigne. Anno. Dom. 1706.

Pr. Cur^m Hen: Penny, Clk.

Summoned by virtue of ye within Venire to serve as Jurors, ye persons following:

Messrs. Jn. Partridge, forman,	Jethro Furber,
Jno. Dennett,	Left. Jno. Gillman,
Ephram Marston,	Tho. Willson,
Saml Dow,	James Gillman,
Jno. Knowles,	Hugh Banfull.
Joseph Jones,	

Sworne. March 6th, 1706.

RICHARD JOSE, Sheriff.

The following paper was found on file, with the foregoing, indorsed, "Jury's Verdict" (23).

Province of New Hampshire.
April the 15th 1707.

Att her Majestie's Inferior Court of Common Pleas, held by Ajurnment att Portsmouth, Mr. Thomas Allen, Esq. plaintif, Mr. Richard Waldron, Esq. defendant, we of the Jury find for the defendant Cost of Court.

Pr. me, JOHN PARTRIDG, Foreman.

No. XXV.

Queen's Letter, 20th April, 1703, to Govern'r New Hampshire, as to special verdict [and waste lands].

ANNE R.

Trusty and well beloved, Wee Greet you well:—Whereas Saml Allen, Esq. proprietor of our province of New Hampshire, has lately humbly petitioned us, y^tt he may be permitted to enjoy the waste and unimproved lands in our s^d Province, & y^tt he may be quieted in the possession thereof: & whereas itt hath bin represented to us by our Commiss^rs for Trade & Plantations, unto whom we had referred the consideration of the s^d petition: Thatt upon consulting our Attorney Gen^ll [our Attorney Gen^ll?] in rela-

tion to the said Allen's title to those lands they had received his answer, that the said Allen hath a good title thereunto, together with his opinion in what manner he may properly assert his Right (a copy whereof you will herewith receive), Whereupon they our s^d^ Commission^rs^ have further humbly offered to us, that the Inhabitants of the s^d^ Province (whereof both Judges and Juries consist) being generally the parties ag^st^ whom the s^d^ Allen is to contend, That he & those from whom he derives his claime, haveing for a long tract of time prosecuted their Right wth out effect, & y^tt^ those familys have sustained greatt damage by the s^d^ delay they have met wth in the determination of Justice, we would be pleased in consideration thereof to signify our pleasure thereupon to you our Governor in Chief of the s^d^ Province: We have thought it necessary, for the more effectuall removal of all obstructions in the Court of Justice, to direct, and do accordingly hereby direct & require, y^tt^ in case the s^d^ Allen shall be opposed by the Inhabitants & hindered from entering quietly into possession of the s^d^ Waste lands, & y^tt^ on such tryall or tryalls the s^d^ Allen doe insist y^tt^ the matters of fact be specially found accordingly; and further, that the exemplifications of the Entrys of all proceedings & other papers relating to the settling of the Title to the s^d^ lands be delivered, under the seal of the Province to the partyes desiring the same—To the end, y^tt^ upon an Appeall or Appealls from the Judgm^t^ thereupon given, to us in Council, we may be fully informed of those matters, in order a finall determination thereof. Soe wee bid you, farewell.

Given att our Court at St James, the 20th day Aprill, 1703, in the second year of our Reigne.

By her Majesty's Command,

NOTTINGHAM.

Govern^or^ of N. Hampshire.

No. XXVI. Indorsed—"*Col. Allen's Bond to Waldron,*" &c.

Know all men by these presents, that we Samuel Allen, now in Portsmouth, Esq., Jairus Ring and James Menzies, both now in the same place, Gentlemen, alias, Attorneys, are held and firmly bound unto Richard Waldron of Portsm^o^ aforesaid, Esq., in the sume of fifty pounds Curr^t^ money of New England, to be paid to the said Richard Waldron, his Exec^s^, Adm^sts^, or Assigns, to the which payment well and truly to be made, wee bind us and every of us, our and every of our heirs, Exec^s^ and Adm^rs^ joyntly and

severally, firmly by these p'sents, sealed with our seales. Dated the 23d day of March Anno Domini, 1704-5.

The condition of this obligation is such, That whereas the above named Richard Waldron recovered Judgmt for costs of suite in a plea of Trespass and Ejectment wherein the said Samuel Allen was plt, and the said Richard Waldron, Deft. at her Majtys Superiour Court of Judicature held at Portsmo' for said Province, the second Tuesday in February last past, and by Adj. held the 21st instant, from which Judgmt the said Samuell Allen, Esq. Appealed to the next sitting of the Govr and Council for hearing Appeals from said Court: If therefore, he the said Samuel Allen doe and shall prosecute his said Appeale before the said Govr and Council to effect, and pay to the said Richard Waldron what damage and loss he shall or may recover, That then this obligation to be voyde, or else to stand in force.

Signed, Sealed & Delivered,
in Court, the day above.

SAMUEL ALLEN, [Seal.]
JARVIS RING, [Seal.]
JA. MENZIES. [Seal.]

No. XXVII. *Part of Gov. Cranfield's Commission.*

[That part of Gov. Cranfield's Commission contained in this paper may be found in full, in Vol. I. *Prov. Papers,* p. 441,—beginning "And whereas several of the Inhabitants."—ED.]

No. XXVIII. *His Maj'tys Letter*, 1680.

[This Letter, in full, Vol. I. *Prov. Papers,* p. 420, is the "Mandamus by which Robert Mason, Esq. was admitted to a seat in the Council." Comp. No. XVIII.—ED.]

No. XXIX. *Records from Sec'y Story.*

[See Council and Assembly Records, Vol. III., beginning—"Att a Council held at Portsmo. on Wednesday, the 30th Augt. 1704," and relating to the petition of Col. Samuel Allen.—ED.]

No. XXX. *Repealing 2 Acts.*

Indorsed—"Copy of the Queen's Repealing two Acts made in the Province of New Hampshire."

[See Records of Council and Assembly, Vol. III. of *Prov. Papers,* May 25, 1704.—ED.]

No. XXXI. *Records from Mr. Chamberlain with his Certificate ab't* [p°ceed°r of Court?]

New Hamp^re.

To James Sherlock, Gent. Provost Marshall, or his Deputy:

In his Maj^tys name you are hereby required to attach the goods or for want thereof the body of Wm. Vaughan, of Portsm° in the s^d Prov. Esq., & take bond of him of one thousand pounds value, with sufficient surety or sureties for his appearance at ye Court of Pleas, to be held att Greatt Island, in the said Prov. on the first Tuesday in November next ensuing the date hereof, & then and y^r to answer the complaint of Robt Mason, Esq. proprietor of ye s^d Prov. in an action of Trespass, for illegally keeping him out of possession of certain Lands & Tenements in Portsm° afores^d, and felling his woods, to his damage one thousand pounds or wh^t shall justly appeare. Fail not & make y^r return according to Law. Dated the eighth of October, 1683.

R. Chamberlain, Prothon.

Att a Court of Pleas held att Greatt Island, 6th of November, 1683, Walter Barfoot, Esq. Judge, Nathl Fryer, & Henry Green, Esqs. Justices' Assistants.

Verdict. The Jury finds for the plaintiff, Robert Mason, Esq. Proprietor of the Prov. of New Hampshire, the Lands & Tenements sued for, according to the Royall Commission, with two shillings damage and costs of Court.

The Costs are	£6: 7: 2	
Entering the Action		£1: 0: 0
Attachm^t & serving		0: 3: 0
Swearing witnesses		0: 1: 8
Five witnesses attending five days		1: 17: 6
Attorney's fees		0: 5: 0
Mr. Mason's charges & Expences		3: 0: 0
The whole		6: 7: 2

Nathl Weare, of Hampton, yeoman, attached in £500, as in the writt of Vaughan; The Jury finds as above, 5 shillings damages, and costs of Court.

Richard Waldron, of Cochecho, Esq. attached in £300, as in the writt of Vaughan, the Jury finds as above, ten shillings damages and Costs of Court.

Vera Copia from the Court Book.

Test. R. Chamberlain, Prothon.

[*Certificate.*]

I, Richd Chamberlain, Esq. Secretary of his Maj^{ts} Province of New Hampshire, do humbly Certyfie, that upwards of thirty six p'sons of the Inhabitants & freeholders in ye said Pro: have been sworne of the Jury upon the actions brought by Robt Mason, Esq. proprietor, and that several p'sons whom Mr. Mason had sued & had judgm^{t} agst then were afterwards summoned to be of ye Jury in ye like Actions, some whereof were fined for refusing to be of ye Jury; oth^{rs} for not appearing, & some desired to be excused from being put on ye Jury; and that in the actions which were tryed in Ap^{l} & May last, being about thirty, the Jury's found damages to Mr. Mason from five pounds to twenty pounds, according to the value of the land the Def^{t} possessed; and that Mr. Vaughan, nor any other did produce any evidence or Record to make out a Title.

Vera Copia—Test, R. Chamberlain, Secretary.

The Names of the Jury men & place of abode.

Portsmouth.

Saml Wentworth,
Samuel Clarke,
John Seever?
Richd Webber
Rich^{d}. Partridge
James Leach, Senr.
James Rendall
James Leach, jun^{r}.

Great Island.

John Lewis,
Shadrach Walton,
Joseph Purmott,
Edward Carter,
James Robinson,
Humphrey Spencer,
Thomas Packer,
Jeremiah Hodsdon,
Henry Russell.

Dover.

Benj^{a} Mathews,
John Rand,
Robt Wattson,
Steph. Otis,
Edward Leathers,
Wm. Graves.

Hampton.

Henry Roby,
Wm. Marston,
Nathl Boulter,
Tho. Marston
Isaac Marston,
John Redman,
Chs. Palmer,
John Lock.

Exeter.

Wm. Hilton,
Saml Hilton,
Francis Lyford,
Saml Hall,
Edward Sewell,
Charles Hilton.

Such of the Jury as were excepted ag^st were sworn upon a *Voire Dire*, that they shall not have profit or loss in the cause.

Vera Copia. RICH. PARTRIDGE, Clk.

Pro. New Hampshire. Vera Copia from the Superiour Court Records;—Compared the 8th of June 1704.

Pr. THEO. ATKINSON, Clk.

Vera Copia, compared the 9th July, 170–? Theo. Atkinson, Clk.

No. XXXII. *Several Oaths about Mr. Allen's Possessing the Waste Lands, &c.*

Wee whose names ar under writen doe testefye, y^t wee being in Company with Saml Allen, Esq. as proprietor of ye Province of New Hampshire, on Wednesday the 22, and Thursday, ye 23 of this Instant December, wee saw the afors^d Allen enter upon and take possession of ye wast Lands within ye Province of New Hampshire, an occupied and improved, by buting down trees, and by turf and twig, and by grasing his horses as followith: 1. near a place formerly called Wiggins brook, counted within Exeter; 2. near ye grat hill counted Portsmouth; 3. within half a mile of Lieut. Wil^m Furber's house, called Dover; 4. within half a mile of Seves mill, counted New Castle; 5. near ye litel bors hed: all ye above menched places named, wee, whose names are underwriten saw Saml Allen, Esq. as proprietor take possession as afores^d, as he saith, in part for the whole lands onocupied, and not inclosed, and further saith not.

John Wadleigh,
Jarvis Ring,
Jonathan Wadleigh,
Ralfe Deverick, his mark. X

Province of New Hampshire:

Capt. John Wadleigh, Mr. Jarvis Ring, Mr. Jonathan Wadleigh, & Ralf Deverick, above named personally appeared, and testifieth upon oath to ye truth of all above writen this 24th day of December, Anno Dom. 1703.

JOSEPH SMITH, Justice of Peace.

No. XXXIII. Indorsed—"*Letter from the Lords of the Council, 22^d May, 1685, upon ye Appeal of Wm. Vaughan, ag^st Mason.*

[This letter is found in full, in Farm. Belk. App. p. 505; and in Vol. I. Prov. Pap^rs, p. 574.—ED.]

No. XXXIV. *Sir Edward Northey's Report.*

[The Report of Sir Ed. Northey, Attorney Genl, addressed to the Lord's Comm^{rs}. for Trade and Plantations, is founded on the grant to Capt. John Mason, of April 22d, 1635,—and the sale by the heirs of Mason, to Samuel Allen, Esq. in April, 1691, and concludes in these words:]

"Therefore I am humbly of opinion, that the said Samuel Allen (assignee of the said John Tufton Mason and Robert Mason) hath by virtue of the said grant a good Title to the *Wast Lands* in the s^{d} Province of New-Hampshire; and that all lands lying uninclosed and unoccupied, are to be reputed Wast Lands, and that the said Mr. Allen may enter into and take possession of the same; and that if he be disturbed in the possession thereof, it would be proper for him, (her Maj^{ty} having courts of Justice within the said Province) to assert his Right, and punish the trespassers by legall proceeding in those Courts; and that it will not be proper for her Maj^{ty} to interpose in this matter, unless the question concerning the right comes before her Maj^{ty} by Appeal rom the s^{d} Judgm^{ts} that shall be given in the Courts in the said Province — save that it may be reasonable I conceive, to direct, that if Mr. Allen insists on it, on the tryalls that may be had for his settling his rights to the said Province, that the matter of facts relating to his and the titles of others claiming the same lands, may be specially found by the Jurys that shall be impannelled in the s^{d} tryalls; that the matters of fact may appear before her Maj^{ty}, if appeale shall be made from the Judgm^{t} that shall be given in said Province.

All wch. is humbly submitted to yor Lod^{ps} great wisdom,

The 24th March, 170$\frac{2}{3}$

EDWD. NORTHEY.

No. XXXV. *Allen's Council move that the Jury find specially.*

Province of New Hampshire } ss.

To the Honble, the Justices of her Maj^{tys} Inferior Court of Common Pleas, holden at Portsmouth, for the Province of New Hampshire, afor^{sd}, by adjournment, on the 15th of April, 1707.

In the case depending between Tho. Allen, Esq. and Richrd Waldron, Esq. Def^{t}.

The Pl^{t}, by James Menzies, Gent. his councill, moved, that it being an action of Ejectment wherein ye title of land is concerned; and the Pl^{t} deriving his title from a grant from his Maj^{ty}

King James, ye first, by Letters Pattents under ye great seal of England, to the Councill of Plymouth, dated the 3^d day of October, 1620, granting them all y^tt part of ye main land in America lying between the degrees of 40 and 48 north lattitude, with full power to the s^d Councill to grant and convey any part of the s^d Lands, as they should think fitt, under their common seal; and further prohibiting all other of his May^tys subjects, &c. to inhabitt, settle or trade & traffick within any p^tt of ye land above mentioned, without special lysence & liberty from ye s^d Councill, &c. And afterwards by two grants from the s^d Council of Plymouth, to Capt. John Mason, the one dated ye 7th of Novem^r, 1629, and the other ye 22^d of April, 1635, for a valuable consideration in money; and after that the Will of the s^d Capt. Mason to his grandson Robert Tufton Mason, and after that a Deed inroled from Jno. and Robert Tufton, sons and heirs of the s^d Robert Tufton Mason, to Saml Allen, Esq. the Pl^ts father, and by sundry Evidences proveing the pl^t Title, by his predecessors entering upon, possessing and improving sundry parts and tracts of Land in s^d Province, for the whole, of which the land now in question is a part:

Wherefore, I humbly move yor Honors, to direct the Jury according to Law and usage in England in such cases, and her Maj^tys order in Council for the same, to find the several matters and papers specially, whatever the value of them may bee.

JAS. MENZIES.

Vera Copia from the originall on file, in the
Inferior Court of Common Pleas, Portsm^o.
Pr. Cur^m. HEN. PENNY, Clk.

No. XXXVI. *Indian Deed*, 1629.

[This is a copy of the famous WHEELWRIGHT DEED—introduced into the trial, by the Dfts'. Counsel. It may be seen in full, in Vol. I, *Prov. Papers*, pp. 56–60. Also in Belk. Vol. I, (1812) App. No. 1, pp. 288–291. The copy is certified to be "*A true copy of the originall on file with the filer of ye County of York.*"

"Examined Pr. Jos. HAMMOND.
Register."—Ed.]

No. XXXVII. *George Vaughan's Receipt.*

[This receipt is of the same nature as those which may be seen in Vol. I, *Prov. Papers*, pp. 66, 67. Comp. also pp. 95, 96. The design of introducing it seems to be to show that the early settlements were merely for trade—or, as expressed in the "Answer

of Def^{t}. to Reasons for Appeal," (see p. 524) "*it really was no more than the settlement of a Factory and Trade with the Natives.*" The hand-writing of the Receipt is very similar to that in the *original* Prov. Rec. B. I, p. 31, No. 24.—Ed.]

Indorsed, " July, the 6th, Mr.
Vaughan, his Receipt for
beaver—1633." [as follows]

Delivered to me, George Vaughan, with other ffures for the use of the Adventurers of Laconia, the 6th of Julie, 1633.

	lbs.	oz.
Imp. At sevrall times, twentie foure pounds & two ounces of beaver,		
Julie the sixth, twentie pounds of	24:	02
Coate [?] beaver	20:	00
More—to him in skinne beaver—one hundred & seaven pounds	107:	00
More—seaven otter skinns, waight seaven pounds,	7:	00
	158	02

Eleaven musquosh skinns, wth stones,	11
Two bears skinnes,	2
Three Indian Basketts,	3
One bughqua [?] or Indian Clubb,	1
Two seals skinnes,	2
One rackoone skinne,	1
Twenty yards of Wampamphage,	20^{yds}

In ye day and yeare above written, by mee George Vaughan, from ye hands of Mr. Ambrose Gibbens, forty four of beaver and other skinnes in the invoice mentioned, wth Indian Ruggs, & 1 Clubb of ye Indian fashion, for ye use of Capt. Jon. Mason & ye rest of ye Adventurers. 158 lbs. w. 2 oz.

J [illegible] George Vaughan.

No. XXXVIII. *Samp. Sheafe's Evidence.*

Sampson Sheafe of full age, testifieth, Colonel Samuel Allen, deceased, soon after his arrival into this Province, which was in the year 1698, fenced or caused to be fenced in a piece of ground on Great Island, within the Township of New Castle in this Province, which piece of ground or part thereof, I have heard called by the name of Lux, his field, and from a swamp called Jerrie Swamp, to a fence called the Ministers Lott, which said piece of ground, Colonel Allen called his field or pasture, and that he used

it as a pasture for his cowes & horse about the yeares 1699 & 1700, and further saith not.

Rich. Waldron, Esq. owned that Coll. Allen did as is expressed.

In Court the 12th Aug. 1707.

Test. THEODORE ATKINSON, Clk.

No. XXXIX.

Allen's Council motion for a Special Verdict.

[This paper is the same in form and substance as No. XXXV, except that it is addressed to "the Justices of her Majtys *Superiour Court*, holden at Portsmouth—the 12th day of August, 1707;" and is signed by

JAS. MENZIES.
JNO. VALENTINE.—ED.]

[*Jury Summoned.*]

Prov. N. Hamp.

ANN, by the Grace of God, of England, Scotland, France & Ireland, &c., To our Sheriff of our Province of New Hampshire, Greeting:

We command you, That you cause to come before our Justices of our Superiour Court, to be held at Portsmouth for our said Province, the second Tuesday in August next, twelve free and legall men of the Neighborhood of Portsmouth in our Province aforesaid, Every one of whom must have forty shillings pr. yeare at least, by whom the truth of the matter may be better knowne, and who are in no wise, by any affinity related either to Saml. Allen, Esq. Plt. or to Richd Waldron, Esq. Deft., To make a certaine Jury, of the Country, between the parties aforesaid, in a plea of Tresspass in Firme Ejectment, because as well the said Richard Waldron as the aforesaid Thomas Allen, betweene whom the contention is, have put themselves thereupon upon that Jury; and have you there then the Names of those Jurors, and this writt. Witness, PETER COFFIN, Esq. at Portsmouth, this 12th day of July—&c. [A few words mutilated.]

Summoned by virtue of ye wthin Venire, ye p'sons following, to wit:

Capt. Mark Hunking,	Jonathan Maston
Capt. Jno. Knight,	Jno. Pickering, Jun.
Capt. Saml. Allcott,	Joseph Rawlins
Simon Dow,	Jeremiah Walford
Go. Veasey,	Robert Molton
Wm. More,	John Jones

August 12th, 1707.

Pr. RICHARD JOSE, Sheriff.

No. XL and XLI.

No. 40 is indorsed — "*Copy of the fine and recovery against John and Robert Masons.*"

No. 41. "*Entail cut off.*"

[In his history of New Hampshire (Farm. Belk., p. 164), Belknap refers to these papers as "The fine and recovery in Westminster Hall, whereby the Entail was cut off; and the Consequent Deed of sale to Allen, in 1691." The copy of each is a *translation* from the original — probably Norman-French — as appears by the indorsement:

"Province of New Hampshire
Portsm° 14th Augt, 1707.

The within is a true translation to the best of our understanding & judgmt.

JA. MENZIES,
CHA. STORY."

These papers are drawn in a very precise, technical form — and not necessary to be published at length. At a subsequent period, 1746, of controversy with the Masonian Proprietors, they were declared to be "illegal."—ED.]

XLII & XLIII. *Jury's Charge & Verdict, Judgment, &c.*

The Jury withdrawn, the Court adjourned to the 13th inst.

13th August, 1707, Court returned according to adjournmt. The Jury being agreed give in their Verdict, as on file, viz:

Copia of Verdict.

Prov. of New Hampshr.

Att a superiour Court of Judicature held in Portsmouth this 12th of August, 1707; In the cause depending between Thomas Allen, Esq. Appelt and Richd Waldron, Esq. Deft, the Jury finds for the Defendant a confirmation of the former Judgment, and cost of Court.

MARK HUNKING,
Foreman in behalf of ye Jury.

"*To Honble Judges, Superior Courtt.*

[The following paper is in the hand-writing of Lt. Gov. John Usher.]

Her Majty in Council, 17th Decr 1702, afferming the verdictt given in Superior Courtt in New Hampshire, 13th Augt, 1700, agst Samll Allen, Esq., butt the same being not finall, but ye sd Allen

might renew his action again wth directions y^{tt} the Jury doe find specially, having tender care y^{tt} Justice might be done:

Her Maj^{ty} in Council, 16th May, 1706, upon petition of Thomas Allen, ordering y^{tt} in ye case betweene Tho. Allen & Richd Waldron, y^{tt} the Jury be directed to find specially, if either party shall require ye same—reference to s^{d} order being had,—That in case either party shall thinck fitt to appeall to her Maj^{ty} in Councill, from the Judgm^{t} of the Court therein, her Maj^{ty} may be more fully informed, in order to a finall determination of s^{d} case. The Appellant having moved the Jury be directed to find specially, that the case may be plain & fairly stated, to lay before her Maj^{ty} in Council for a finall determination. As Lt. Governor demand you Judges direct the Jury to find accordingly.

JOHN USHER.

The Court sent out the Jury with this direction:

Gentlemen, You are further directed to consider this case, and observe her Maj^{tys} directions as to find specially, and your oaths in s^{d} case.

The Jury return with the same Verdict: The Court order Judgment to be entered accordingly; and that the Defen^{dt} Recover costs of the Appell^{t}.

The costs is five pounds, eighteen shillings & one penny.

Appeal. The Council for Thomas Allen, Esq. move for an Appeal to the Queen and Council; they allow the same; they giving Bond according to Law of Two hundred pounds.

Pro. N. Hamp^{re}. Vera Copia from the Superiour Court Records and files, compared the 5th November, 1707.

Pr. THEODORE ATKINSON, Clk.

No. XLIII. *Bill of Costs.*

Prov. of New Hamp^{re}.

Att her Majesties' Superiour Court of Judicature, held at Portsm^{o} the second Tuesday in Aug^{t}, 1707.

Richard Waldron, Esq. Appellee and Thomas Allen, Esq. Appell^{t} } Appellee's Bill of Costs.

Att her Maj^{ts} *Inferior Court* of Common Pleas held in March last:

Attorney's fees,	0: 10: 0
Copy of the Writ	0: 1: 0
Def^{ts} attendance two days	0: 3: 0

Court adjourned till 15th April, 1707.

Attorney's fees,	0: 10: 0
Deft^s attendance two days,	0: 3: 0
To Copys of 5 Evidences,	0: 5: 0
To Copy of Emery's Evidence, living at Dedham,	0: 1: 6
To Copy of Audley's Evidence, at Newberry,	0: 1: 6
To Entering the verdict, Judgm^t, and filing of papers,	1: 8: 0
To Attorney's fees at the above *Superior Court*,	0: 12: 0
To deft^s attendance two days,	0: 3: 0
To a Copy of the Indian Deed,	0: 6: 0
To the Clerk's fees for filing papers, Entering Verdict, Judgm^t, &c.	1: 10: 1
Taxing bill of costs,	0: 1: 0
Sheriffe and Cryer,	0: 4: 0
	5: 18: 1

Five pounds, eighteen* shillings, one penny.
I allow this Bill of costs, being £5: 18: 1.

PETER COFFIN.

No. XLIV. Bond.†

* Query—*nineteen* shillings?—ED.
† This Bond is not found on file.

[P. 201.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 12th of August, 1707.

Present.

The Honourable John Usher, Lieut. Governr,

Peter Coffin, Robert Elliot, } Esqs. John Gerrish, Saml, Penhallow, John Plaisted, } Esqs.

Adjd till 10 o'clock tomorrow morning.

Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 13th Aug. 1707.

Present.

The Hon. John Usher, Esq. Lieut. Governour.

Major Wm. Vaughan,

Peter Coffin, Robert Elliott, } Esqs. John Gerrish, Saml. Penhallow, } Esqs.

Mr. Theodore Atkinson, his Debenter being read at this Board, relating to repairing the Fort boat, amounting to £1. 7s. 2d. was allowed and ordered to be paid out of the Treasury, in course.

Thomas Packer his Debenter amounting to £7 0s. 0d. for Rent for the Council Chamber and Court House, from the 23d April, 1706, to the 23d April, 1707, was allowed and Ordered to be paid out of the Treasury in course.

Ordered that all Expresses be allowed the Riding fees following, viz. from Portsmouth to

	£	s.	d.
Hampton,	0.	4.	0.
From Portsmouth to Exeter,	0.	4.	0.
From ditto to Salsbury Ferry,	0.	6.	0.
From Portsmouth to Colonel Noyces in Newberry,	0.	8.	0.

and so proportionably in riding to any other place.

[P. 202.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 28th of August, 1707.

Present.

Major. Wm. Vaughan,

Robert Ellott, Saml. Penhallow, Esqs.

John Plaisted,

His Excellency's letter dated the 25th Augt. instant, directed to Major Wm. Vaughan, Esq. was comunicated to this Board, about proroguing the General Assembly from time to time, by the fortnight, till the proper season for his Excellency's coming, &c.

Ordered that the General Assembly be prorogued till Thursday, the 11th September next ensuing, pursuant to his Excellency's said Letter; and that in case his Excellency shall give noe further order and doe not come here three days before such prorogation, that then the Secretary issue forth proclamations two days at least before the sitting of the said General Assembly, to prorogue them for fourteen days longer, and soe by the fortnight, until his Excellency's further orders and directions.

Capt. Chisley being this day arrived from Port Royal gave his attendance at this Board and acquainted the Gentlemen of the Council that the Fleet were all joined [?] away, and that their Rendezvous was to be at Nantaskett, &c.

The Gentlemen of the Council ordered him to keep his Company together till his Excellency's pleasure might be known, and directed Mr. Winckley to keep the Sloop, Sarah and Hannah, at the Great Island till further order.*

* [From MS. Correspondence, Sec'ys office, p. 19.]

Letter from Gov. Dudley.

Oct. 23, 1707.

To Mr. Treasurer Penhallow—

Sir—The appearance of the Enemy upon the frontiers is often so very sudden that it is Impossible for mee or the Governor in my absence to give particular orders for victuals or other necessaries for the advance of men to march. . . . . It is my direction that at all times when you see my warrant, or in my absence that of Lt. Governor or Council, for the march of our forces, and they are advancing under the comand of proper officers, then yon supply with what is absolutely necessary for their subsistence & service, taking the officers demand of the same under his hand, & supply the same accordingly, & speedily render account thereof to myself in Council for allowance.

Your serv't, J. DUDLEY.

"This letter from the Governor was communicated to the Council & they approved thereof, and directed Mr. Secretary to return their thanks to the Governor for his care therein, & put the letter upon file."

[P. 203.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the third of September, Anno Domini, 1707.

Present.

Major Wm. Vaughan,

Peter Coffin, Nathl Weare, } Esqs. John Gerrish, Saml Penhallow, John Plaisted, } Esqs.

Considering the State and Circumstances of this Province, the Council are of opinion, there is great necessity of his Excellency's being here, in order to meet the General Assembly to raise money for payment of the just debts of this Province, and that the same may be speedily done, by reason of the approach of the Winter season.

Ordered, that the Secretary send to his Excellency a Copy of the above Minute of Council.

[P. 204.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 23d September, 1707.

Present.

Major Wm. Vaughan, Robert Ellott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Pursuant to his Excellencys letter of the 19th instant, the Council met and Lt. Colonel Hilton, Major Smith and Capt. Davis were sent for to consult matters relating to the Enemy, who lye skulking at the head of our Rivers.

Lt. Colonel Hilton accordingly appeared at this Board and acquainted the Gentlemen of the Council, that on Thursday last he set out from Exeter with fifty four men as a Scout, after the Enemy; he traced the woods from Kingstown to Cochecha, and so towards Winnapissaaka pond and made discovery of the tracks of that party of Indians which killed Capt. Chisley *; they were gone clear

* "Sept. 17. Capt. Samuel Chesley, [of Oyster River] his brother, James Chesley, and six more stout young men, were slain by the Indians as they were cutting and hauling timber, not far from Capt. Chesley's house. The Indian that killed James

off, and as he thinks to Port Royal by way of the said pond, and in coming back he discovered the tracks of a new party of Indians, and followed them within two miles of Cochecha, and soe lost their tracks, and then came home and sent out fifty six fresh men from Hampton, on Monday morning last, who was to tarry out five days; and soe proposed to the Council that Dover and Portsmouth should each send out the same number in course, which will last till the Indian Harvest is over. He alsoe desired the advice of this Board, whether what he offers as to sending out men from Dover and Portsmouth, be proper and needful or not.

The Council advises thereto:—Major Smith and Capt. Davis, were likewise present at this Board in Consultation.

March 1707-8.

So far gone to England.

[P. 205.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 29th September, 1707.

Present.

Major Wm. Vaughan,
Samuel Penhallow, } Esqs.
John Plaisted,

Whereas Phillipp Chisley, of Oyster River, in the said Province, hath made application to this Board, that several Garrisons are much weakened and in distress by reason of

Chesley was slain upon the spot by Robert Thompson. Philip Chesley and three more escaped."—*Journ. of John Pike*, Farm. & Moore. Hist. Coll. V. I, p. 60.

"Benjamin Fifield, [of Hampton] aged about 60 years, was Barborously killed by the Indians, on the 1st day of August, 1706, and a young lad kild or taken."

Town Rec. Hampton.

[From MS. Cor. Secretary's office, p. 17.]

Attack on Wells, Me.

Sr. Wells is doubtless Attact. we have hard ye great guns the enemy atact the shalops at Winter harbor Sabbath day at 2 of ye clock afternoon & have slain Benj. Dunnell of York the Enemy are judged not less than three or four hundred French and Indians, for God's sake Post forward that we may have speedy help or they will be two hard for us. WILLIAM HEATH.

York, Sept. 23, 1707.

Secry Ackteson i pray
Hasen this forod for helpe, yonor

WM. PEPPERELL.

A Copia sent to Coll. Noyce of Newbery
Imediately by

("Recd ½ after one. T. A.") THEODORE ATKINSON.

the Indian Enemy having lately killed several of the Inhabitants belonging to such Garrisons, to wit, at the said Phillipp Chisleys Garrison, the late Capt. Chisleys Garrison, and Ensign Jones Garrison.

Ordered, that the Secretary write to Capt. James Davis, that the Scout of tenn souljers under his Command be placed and stated at the said several Garrisons that are most weakened and in distress, according to his discretion, and that they remain where they are soe placed and stated, till relieved by the several Captains of the several Towns to whom they belong; and that the said Captain Davis furnish them with provisions which he received out of the Treasury; and when such provisions are spent, that the said Capt. Davis apply himself to the Treasurer for a further supply; and when such Scout are relieved, those that relieve them are to continue from time to time in such Garrisons where they are placed, till further order.

[P. 206.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 20th October, 1707.

Present.

His Excellency Joseph Dudley, Esq. Governour.

Wm. Vaughan,	Esqs.	John Gerrish,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Ellott,		John Plaisted,	

In Council, present with the Council the Judges of the several Courts:—

Mr. Robert Armstrong was this day examined in Council upon a letter printed in the Observater Vol. 6, No. 35, from Saturday the 28th June to July 26, wherein is printed a letter signed Robert Armstrong, which being given him to peruse he was inquired of by John Plaisted, Esq. one of the Judges of her Majestys Superiour Court and a member of the Council, whether he wrote that letter: he answered very freely and concernedly, that neither directly or indirectly, he ever wrote any such letter; and knew not at all who should presume to set his name thereto: but that it was easy for half a crown to get a letter into the Observater.

He was further inquired of whether the Articles of

that letter or any of them were true about the obstruction of Justice, the selling of places, the uneasiness of the Country, and the desire of a change of their Governour: he answered they were all false to his knowledge; the people easy, and the Governour acceptable in all things to his certain observation; and with passion, complained that he was abused by those that made that letter publique.

[P. 207.] Province of New Hampshire.

At a Council held at Portsmouth, on Tuesday, the 21 October, 1707.

Present.

His Excellency Joseph Dudley, Esq. Governour.

Major Wm. Vaughan,	Esqs.	John Gerrish,	Esqs.
Peter Coffin,		Saml Penhallow,	
Robert Ellott,		John Plaisted,	

Mr. Penhallow his account, Am° to £49 18s. 8d. for sundrys advanced to Lieut. Colonel Hilton for subsistance for himself and souldjers in a second Expedition Eastward, February 25th, 1706, was allowed, and Ordered that a warrant be given him accordingly.

Mr. Penhallow's acct Am° to 49: 2: 0: for sundrys advanced to Lieut. Colonel Hilton for subsistance for himself and souldjers in a march to Norridgawack January 21st 1706, was allowed and Ordered that a warrant be given him accordingly.

Mr. Penhallow his Acct. Am° to 55: 14: 11: for several disbursements was allowed, and ordered that a warrant be given him accordingly.

Mr. Penhallow's general Acct. for the year 1707, was read at this Board and allowed of, to which account he made oath to the truth both of Debt and Creditt.

Major Walton, Captain of her Majesty's Fort Wm. and Mary, at Newcastle, attending the Board upon the Complaint of the fees taken at the Castle reported formerly to the Governour from the Council:

Upon a full hearing: —

It is Ordered, that during Major Walton's being in the service at the aforesaid Fort, and resident to doe the service of the Captain and Gunner, [P. 208.] Captain Atkin-

son shall receive only seven pounds pr annum out of the Salary, and the whole eighteen pence be and remaine to the said Major Walton as Captain; and during Major Walton's absence in any other service or otherwise Captain Atkinson be entitled to the said seven pounds, and the eighteen pence to his own use, doing the duty of Captain and Gunner there, and this to be an issue between them.

The Governour acquainted the Council that Lieutenant Governor Usher had informed him, that at his last being here he was hashly treated at the Board; and that Major Vaughan should tell him there was no occasion for his coming into the Province at that time.

The Gentlemen of the Council represented the mistake in that information, and that Major Vaughan only objected against the payment of the said Lieutenant Governour's travelling charge out of the Treasury, because the Lieutenant Governour came into the Province to take care of a Law-suit wherein he was concerned, and intended noe otherways to reflect upon the Lieutenant Governour — which is all they observed in that matter.

[p. 209.] Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 22d October, 1707.

Present.

His Excellency Joseph Dudley, Esq. Governour.

Major Vaughan, Robert Ellott, John Gerrish, } Esqs. Samuel Penhallow, John Plaisted, } Esqs.

The Petition of Richard Mills was read, as upon file.

Ordered that the petitioner make proof of his Account before the Justices of the next Inferiour Court, and that the feoffers of Roger Roses Estate, pay the same out of the first receipts that they shall receive of the said Roger Roses Estate; always reserving in their hands sufficient for the payment of the Widow Roses subsistance, established by this Board.

Mr. William Cotton's Account, amounting to 16s. for horses &c. for the Governour, was allowed, and ordered to be paid out of the Treasury.

Thomas Packer his account Am° to two pound four shillings, for administering physic to Benjamin Lamperil, a soldier in the Expedition to Nova Scotia, was allowed and ordered to he paid out of the Treasury.

Thomas Packer, his account, am° to four pounds, for fire and candles for the year 1706, and allowed, was ordered to be paid out of the Treasury.

Muster Roll of Sloop-hire and Sailors wages, upon the Expedition to the Eastward in the year 1707, amounting to 143: 17: 6, was allowed and ordered to be paid out of the Treasury.

(4 o'clock post meridiem his Excellency went to Boston; the full minute of Council was made before the Council broke up.)

Thomas Packer his Debenter Am° to 16: 8 — for Wine and Beer, allowed and ordered to be paid out of the Treasury.

[P. 210.] Whereas by an order of Council of the 8th April last past, Edward Fifield, Samuel Calcott, Jonathan Calcott, James Beane, Phillipp Huntoon, Daniel Beane and Jabez Colman, who have deserted their habitations and dwellings in Kingstown, were directed to return thither again upon penalty of the Law, and notwithstanding such order of Council the aforesaid persons still remain from their settlement and refuse to return, soe that the said town is thereby much weakened and endangered by the enemy: —

Ordered that Mr. Secretary Story write to Mr. Justice Dudley, that he send for the said persons, and if they doe not return to their settlements in Kingstown, that he bind them over the next Quarter Sessions, to answer their Contempt.

John Cross, souldier at her Majesty's Fort Wm. and Mary, having often times set forth by his petition to this Board that he is greatly oppressed by Captain John Hinkes, late of her Majesty's Council, and Captain of the said Fort, who took and received out of the Treasury twenty nine pounds belonging to the said John Cross, as his wages, and is clandestinly gone out of the Province, without the knowledge or privity of the Government, and prayed redress thereupon of the Governour and Council; being in great poverty, now knowing his petition:

The Council being well satisfied in the allegations above,

the said accounts being made up at this Board, and being all sensible of the said Hinkes private departure out of the province, doe allow the said John Cross to pursue the said Hinkes, *Informa pauperis*, and require her Majestys Courts to take notice thereof accordingly.

[P. 211.] Ordered that Capt. Shadrach Walton be paid one hundred and thirty one pounds tenn shillings out of this present Tax, for himself and four souldjers wages, at the Fort Wm. and Mary, from the 25th March, 1706, to the 25th March, 1707.

Ordered that Thomas Westbrooke and Nathan Knight, be paid out of this present Tax the sum of fifty pounds and eleven shillings, being soe much allowed them by the Assembly this Session, for several sorts of Timber for supply of the Fort in the year 1704 and 1705, which they contracted for.

[P. 212.] At a Council held at Portsmouth, the 2d December, 1707.

Present.

Major Wm. Vaughan,	Esqs.	Nath[l] Weare,	Esqs.
Peter Coffin,		Saml. Penhallow,	
John Gerrish,		John Plaisted,	

His Excellency's letter dated Roxbury, 24th Novbr 1707, was read at this Board and Ordered to be entered in the Council Book, viz:

"Roxbury 24th November, 1707.

Sirs:

Lieutenant Governour Usher, is now with me, and has acquainted me that the Auditor General, Mr Blathwaite, has written to him that there are several years past before my arrival, wherein he has noe accounts of the Revenue and disposal of the mony raised in the Province of New Hampshire, transmitted to him to lay before my Lord Treasurer, to discharge the Treasurers of the Province from any future Challenge; I am sensible that for the years I have holden the Government they have been duly sent home; however if the Lieutenant Governour desires a Copy of those accounts it must be given him; but for those years wherein they have not been sent home, the Treasurers for those years are Criminal, till they are rendered duly with vouchers and receipts, and they will continue to be Ansurable.

The Lieutenant Governour intends to visit you upon that head; and I thereupon expect that the Accounts be fairly rendered in Council fit to be transmitted, that there be no further complaints thereupon.

You will take care that this letter be communicated to the Gentlemen of the Council, and that the Accounts be made accordingly, and the Vouchers and receipts be ready also.

I am Srs, your humble Servant.
J. DUDLEY.

To the Honble Samuel Penhallow, Esq. Treasurer of her Majesty's Province of New Hampshire.
To be communicated
J. DUDLEY.

Vera Copia, examind & attesd.
Pr. J. CHAS. STORY.
Secretary.

[P. 213.] In answer to which letter the Secretary is ordered to send a Copy of the minutes of Council, the 14th day of January, 1705.

Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 17th of December, 1707.

Present.

The Honble John Usher, Esq. Lieut. Governr.

Robert Ellott, Saml. Penhallow, John Plaisted, } Esqs.

His Honour was pleased to make the following Speech, viz:

Gentlemen:

In August last I gave visit to this her Majesty's Government, in obedience to her Majesty's Order in Council, dated the 6th of May, 1706, and then tendered if you had anything for her Majesty's service or good of the Province, should readily doe what's proper.

Having rec'd a letter from Wm. Blathwaite, Esquire, Auditor General to transmit the Accounts of this Province to him, that they may be laid before my Lord High Treasurer for allowance, which letter I do here communicate to you:—

Whitehall 30th April, 1707.

Sir:—We have of late recd. many letters from you at our Board, but the method of the Council of Trade, and the persons there having been altered, I only desire you to take care that the accounts of New Hampshire be duly transmitted, with the Laws concerning them, which it is my duty as Auditor of the Plantations to lay before my Lord High Treasurer. I hope everything becomes more easy to you. being Sr

Your very humble Servant,
WM. BLATHWAITE.

[P. 214.] I did on the 24th of November last signify to Major Vaughan and Samuel Penhallow, Esqs. receipt of the said order from said Blathwaite, and demanded the several accounts with

copies of Vouchers and Receipts, that the Accounts might be remitted in due form:

The 13th December, as soon as came into the Province, gave notice to the Secretary to acquainte the above Treasurers that I was come into the Province to receive their Accounts.

For that end, Gentlemen, I am come, and you Gentlemen of the Council are called that the Accounts for her Majestys service may be laid before you.

JOHN USHER.

His Honour the Lieut. Governour asked Mr. Secretary, whether pursuant to his order he had given notice to Wm. Vaughan and Samuel Penhallow, Esqs. that he was come into this Province to receive their accounts of their Treasurership, with Vouchers and Receipts :—

Mr. Secretary answered he did acquainte them accordingly.

Ordered, That the Secretary issue forth his warrant to Major Wm. Vaughan, that he bring in his Accounts of his Treasurership, with copies of his Vouchers, about the payments of the several sums mentioned in the several Acts following, viz :—

An Act for 600 lbs. the 29th Sept. 1696, in the Lt. Governrs time.

An Act for 650£ the 30th June 1697, in Mr. Hinkes time.

An Act for 300 : the 8 October, 1697, in Mr. Hinkes time.

An Act for 400 : the 7th April, 1698.

As alsoe an Account of the Impost and Excise in those times, and that Mr. Secretary and Mr. Henry Penny, attend Major Vaughan, with the Council Books for his assistance.

The Memorial of Major Wm Vaughan, relating to his Accounts, as Treasurer, with his Vouchers &c. being sent by Mr. Jaffrey to Boston to Audit, and now cannot be found, was read as on file.

The Minute of Council of the 14th of January 1705, relating to Major Wm. Vaughan's answer about his accts. as Treasurer of this Province, was read at this Board.

His Honour the Lieut. Governor adjourned the Council to Monday, the 22d instant, at 10 of the clock, ante meridiem, at Newcastle.

[P. 215.] Province of New Hampshire.

At a Council held at Portsmouth, by adj^{t}, on Monday, the 22^{d} December, 1707.

Present.

The Honourable John Usher, Esq. Lieut. Governour.

Robert Ellott, Saml. Penhallow, John Plaisted, } Esqs.

Major Wm. Vaughan sent a Copy of Mr. Addington's letter directed to him, dated Boston the 8th of December 1707, to this Board which was read, as on file.

Major Wm. Vaughan, pursuant to an order of Council of the 17th of December instant, sent in his Accounts relating to his Treasurership, with an account of Impost and Excise (with some Vouchers drawn out of the Council Book) for the year 1696, 1697, 1698, who were read at this Board.

The Honourable the Lieut. Governor, made the following objections against several articles of payment in Major Vaughan's accounts, viz:

	£	s	d
1696, to Nathl Batchelor P. order	1 :	10 :	0
1697, to Cash paid John Pickerin	9 :	17 :	11
To Cash paid Ichabod Plaisted, in part of his charges,	20 :	0 :	0
To Peter Coffin, for a horse for Ichabod Plaisted	8 :	0 :	0
To Donkin Campbell for soe much paid Capt. Plaisted,	10 :	0 :	0
To paid Ichabod Plaisted, for disbursements	16 :	13 :	0
1698, to paid Lieut. Governor Partridge, Penhallow to be Voucher,	200 :	0 :	0

Saml. Penhallow, Esq. Treasurer, brought in his Accounts as Treasurer from the year 1699 to the year 1702, together with his Vouchers and Receipts, who were exam^{d} and read at this Board, and his Honour the Lieutenant Governor made the following objections against some payments, viz:

In the Acct. 1699, paid Mr. Partridge for disbursements, but no account for what	160 :	0 :	0
In the Acct. 1700, paid Mr. Partridge for going to New York (being when Col. Allen was Governor)	60 :	0 :	0

In his Acct. 1701, paid Mr Partridge (it being only paid for disb^{ts}) but noe Acc^{ts}	100 : 0 : 0
In his Acct. 1702 paid Mr. Partridge for Agency	200 : 0 : 0
Paid to ditto for an Agent's passage	27 : 0 : 0

[P. 216.] The Lieutenant Governour asked the Secretary who was appointed Agent for the Province?

Answer, that he did not know who was appointed Agent, but believed it might be Major Vaughan.

Upon which the Lieutenant Governour ordered the Secretary to search the Council Book, and he found that in May, 1702, there was a vote of both Houses, that the said Wm. Vaughan be agent for this Province.*

The Lieutenant Governour asked the Secretary whether there were any publick letters or other papers relating to Major Vaughan's Agency, brought to this Board at any time.

The Secretary answered, none that he knew of.

The Lieutenant Governour asked the Secretary, if he had acquainted Major Vaughan to bring an Account of the disbursements of the mony he had raised as Agent, and an Account of his Agency.

The Secretary answered that he had acquainted the said Major Vaughan, and his answer was, he had disbursed the mony upon the Province Account as Agent, and he had been taken by the French in coming home, could not give any particular account, or words to that effect.

[P. 217.] Province of New Hampshire.

At a meeting of the Council held at Portsmouth, the 19th January, 1707–8.

Present.

Wm. Vaughan, Robert Ellott, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Whereas the sum of two hundred and fifty pounds was lately voted by General Assembly for supplying an Agent in preferring an Address unto her most Sacred Majesty, respecting the circumstances of this her Majestys Province :—

It is the opinion and request of this Board that his Ex-

* Refer to "Journal of Council and Assembly," July 29th, 1702.

cellency the Governour be humbly desired to draw an order upon the Treasurer, for payment of the same, and that seventy or eighty pounds be forthwith ordered, to answer the present necessity of the Province, as his Excellency in wisdom shall see meet.

And whereas Mr. Secretary Story is absent, that Mr. Penhallow, be desired to send a copy hereof, Express, unto his Excellency, representing the mind of the Council herein.

[P. 218.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 13th February, 1707-8.

Present.

Major Wm. Vaughan, John Gerrish, Saml. Penhallow, } Esqs.

His Excellencys' letter, dated Boston, February 9th 1707, relating to John Bridger, Esq. her Majestys Surveyor General of her Majesty's Woods was read at this Board.

Pursuant to the above letter, Mr. Secretary Story informs that he acquainted Mr. Bridger last evening, that the Council would sit at Portsmouth this day, where they would be ready to hear any complaints that he would deliver upon oath, against Jno. Plaisted, Esq. one of the members of her Majesty's Council, for interrupting the said Bridger in his office, &c.

Mr. Bridger accordingly appeared, and having not drawn up his complaint against the said John Plaisted, desired further time which was granted; and Wednesday next is appointed to hear the said complaint; and the Secretary is hereby Ordered to notify the Council accordingly.

Ordered, (his Excellency consenting thereto) that a warrant be issued forth, directed to the Treasurer, for the payment of 250£, raised in the last Province Rate, for the laying before her Majesty Addresses relating to the public affairs of this Province; and that the twenty pounds paid Captain Pickerin, &c. for disbursements and charges to Boston in that affair be included in the [P. 219.] said warrant.

Province of New Hampshire.

At a Council held at Portsmouth, on Wednesday, the 18th February, 1707.

Present.

Major Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs.

Mr. John Bridger, Surveyor General of her Majesty's Woods in America, appeared at this Board and exhibited the following Information upon oath, which was read at this Board, viz.

The Information of John Bridger testifieth and sayth, that all the Mast Trees now cut or has been cut for five months past or thereabouts, by John Plaisted, Esq., his order, Agents, Workmen, &c. which are to a great number now cut and felld without the Royal Licence first had and obtained, (to the best of my knowledge) but were all positively cut, felld and destroyed without my leave; the said Plaisted, his Agents, workmen, &c. were often forbid to cut any Mast Trees, from time to time, by myself and deputies, &c.; yet notwithstanding he, the said John Plaisted, did by himself, his orders, agents or workmen, cut and fell a great number of Mast Trees, and has thereby invaded her Majesty's just Rights and prerogative, and rendered her Majesty's express commands to me by the Royal Licence, to be of no effect, and my Commission and Instructions not of force or virtue in these parts; all which, to the best of my knowledge is true, there being affadavits made of Mast Trees being felld by the persons as aforesaid, thirteen or fourteen miles above Salmon Falls.

18th February, 1707, Jurat: in Council. }

Upon which John Plaisted, Esq. desired time to give his answer, declaring he could not doe it in three weeks time, by reason he must ride the country to know how many Masts his workmen had cutt, and of what dimensions, and the places where they are cutt.

[p. 220.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 19th February, 1707.

Wm. Vaughan, Robert Ellott, John Gerrish, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Pursuant to his Excellency's letter of the 16th of February, instant, relating to the Indian Enemy probably being about our Frontiers, being read at this Board,

Ordered that Colonel Hilton immediately go out with a good Scout, at such convenient distance at the head of the Frontiers as may be needful, to make discovery of the enemy.

Capt. Holland's Bond.

[MS. Corr. Vol. I, p. 13.]

Know all men by these presents that wee, Thomas Holland, now of Portsmouth, in the Province of New Hampshire, in New England, mast and marrinr, Thomas Packer of the same place, chirurgeon, and George Jaffrey of Portsmouth aforesaid, merchant, are held and firmly bound unto George, prince of Denmark, Lord High Admiral of England, in the sume of one Thousand pounds sterling, mony of England, to be paid to the said George, prince of Denmark, Lord High Admiral of England, or his successor in the said office, to the which payment, well and truly to be made, wee binde us and either of us, our and either of our heirs, Execrs and Admrs joyntly and severally, firmely by these presents, sealed with our Seals; Dated the first day of March, anno R. Reginæ Anne nunc Anglicæ, &c. sexto, Annoque Domini, 1707.

The condition of this obligation is such that *whereas*, his Excellency Joseph Dudley, Esq. Governor of her Majestie's province of New Hampshire and the Massachusetts bay in New England, hath by his Commission or *Letter of Mark* [Marque] bearing date with these presents, authorized & impowered the said Thomas Holland, comander of the ship Neptune, burthen two hundred Tunns, or there abouts, mounted with sixteen gunns, with the said shipp and Company to warr, fight, take, kill, suppresse, and destroy any pirates, privateers, or other the subjects or vassals of France or Spane, the declared enemys of the Crown of England; and *whereas*, alsoe, the said Thomas Holland, hath received Instructions from the said Joseph Dudley, Esq. relating to the Commission abovesaid, as by the sd Commission and Instructions, reference being thereunto had, will plainly and at large appeare: If therefor, he the said Thomas Holland, doe and shall well and truly observe, performe, fulfill and keep all and every the clauses and Articles mentioned in the said Commission and Instructions, which on his part are or is to be observed, performed, fulfilled and

kept, that then this obligation to be voyde or else to stand in force.

Signed and deliver[d]
in the p'sence of
——[?] Hunking,
Cha. Story.

Tho. Holland, [Seal]
Tho. Packer, [Seal]
Geo. Jaffrey. [Seal]

Report of a Committee on the State of the Fort, William and Mary.

[MS. Cor. Vol. I, p. 21.]

May 11th, 1708.

According to an order of the Governor and Council of the eigh[th] instant, Major Vaughan, Mr. Elliott and myselfe, have visited Her Majesty's Fort William and Mary, at Castle Island, in the Province of New Hampshire:

(1) And find necessary to have the sides of the powder house to be claboarded, to prevent the stormy wether leaking through to the damage of the Powder: there will be wanting clapboards and nails for that use.

(2) Several of the Carriages to be repaired, and all of them wants to be tarred over, to preserve them from the wether. There will be tarr & some large spikes, and a carpentier wanting for that service.

(3) The sod work wants to be repaired in several places of the ramparts and parrapet: ther is wanting sods and men for that.

(4) That the chevaux de friez be fixt from the point of the Block House to the Line of Pallisados which inclose the wall. There will be two carpenters wanting.

(5) That there be port-holes cutt in the Line of pallisados, with a small brestwork cast up for small arms.

J. Redknap.

10th May, 1708.

The Council accepts of this returne and continue Major Vaughan and Mr. Elliott to improve the workmen, and to provide necessarys for their labour at the abovesaid Fort, in finishing the work there, according to this returne.

Chas. Story,
Secretary.

[Note. There seems to be a chasm in the Records of Council from February, 19th, 1707–8, to August 2d, 1708.—Ed.]

[p. 221.] Province of New Hampshire.

At a Council held at Portsmouth on Monday, the 2d day of August, 1708.

Present.

Peter Coffin,	Esqs.	Wm. Vaughan,	Esqs.
Robert Ellott,		John Gerrish,	
Nathl. Weare,		John Plaisted,	

Pursuant to his Excellency's Letter of the 19th of July, last past, Additional Instructions from her Majesty, dated the 3d May, 1707, was read at this Board, in hæc verba sequen.

ANNE R.

An Additional Instruction to our trusty and well beloved Joseph Dudley, Esq. our Captain General, and Commander in Chief of our Province of New Hampshire, in New England in America, and in his absence to our Lieutenant Governour, or Commander in Chief of our said Province for the time being. Given at our Court at Kensington, the third day of May, in the sixth year of our Reign, 1707.

Whereas by a clause in our Commission and Instructions, to you our Captain General and Commander in Chief of our Province of New Hampshire, it is directed that upon your death or absence (in case there be no Lieutenant Governour appointed by us upon the place), the then Council doe take upon them the Administration of the Government, and that the eldest Councellor doe preside as by the said Commission and Instructions is more particularly set forth: — And wee, having observed that this Instruction has given occasion of many Controversies and disputes between the Presidents and the Councellors, and the Councellors themselves, and otherwise in several of our Plantations, to the great hindrance of the publick business and to the prejudice and disturbance of [p. 222.] our service there: — Our will and pleasure therefore is, that if upon your death or absence there be noe person upon the place commissionated by us to be our Lieutenant Governour or Commander in Chief, the eldest Councellor, whose name is first placed in our said Instructions to you, and who shall be at the time of your death or absence residing within our Province of New Hampshire, shall take upon him the Administration of Government, and execute our said Commission and Instructions, and the several powers and authorities therein contained, in the same manner and to all intents and purposes as other our Governours or Commander in Chief should or ought to doe, in case of your absence, until your return, or in all cases until our pleasure be further known therein. So wee bid you farewell.

By her Majesty's Command,

SUNDERLAND.

Ordered that the Act of Parliament relating to the union between the two Kingdoms of England and Scotland, be proclaimed, publiquely, on Wednesday the 11th day of August, instant;—the Gentlemen of the Council and the Justices and Sheriffe attending the same; and that the two Companies of the Militia of Portsmouth, be in arms; and that eleven great Gunns be fired at her Majesty's Fort Wm. and Mary, at New Castle.

Ordered that the Secretary write to Lieut. Colonel Hilton, that he for the future send but sixteen men out of Portsmouth and Hampton, in proportion, to her Majesty's Fort Wm. and Mary, to make up the standing souldjers there twenty persons and noe more.

[P. 223.] Whereas Portsmouth and Hampton send sixteen men to her Majestys Fort in turn;

Ordered that Colonel Hilton draw out sixteen men out of the Companies of the Militia in Exeter and Dover in proportion, to take their turns, from time to time, to Scout where the said Lieut. Colonel shall see meet to appoint them, and that the Secretary issue forth this warrant accordingly.

Province of New Hampshire.

At a Council held at Portsmouth, the 11th August, 1708.

Present.

Peter Coffin,	Esqs.	Wm. Vaughan,	Esqs.
Nathl. Weare,		John Gerrish,	
Robert Ellott,		Saml. Penhallow,	
		John Plaisted,	

Upon advice from his Excellency of a considerable number of the Enemy being upon their march towards our Frontiers:—

Ordered that Capt. Robert Coffin, with the Troop under his Command, march from Exeter to Kingstown and thence to Oyster River, and there take up their quarters the first night, and from thence to Cochecho and soe up towards Whitehall, and so to return to Cochecho the next night, and there Quarter; and thence to return the third day to Exeter again and there lodge, and to continue this march from day to day till further order, unless diverted by the appearance of the Enemy; where upon the first advice he is to repair immediately to give present relief to any part that may be assaulted; and that the Treasurer supply the said Troop with provision for their constant subsistance, unless such as will subsist themselves, who shall be allowed the same that the Massachusetts Troopers have.

[P. 224.] Ordered, that a Scout be kept out upon the

heads of Exeter, Oyster River and Cochecho, not exceeding six in a Company, and that Capt. Tuttle take care to send upon the head of Cochecho, Capt. Davis and Capt. Hill on the head of Oyster River, and Capt. Gilman on the head of Exeter, and upon any discovery of the Enemy forthwith to give information thereof to the Council.

And whereas the aforesaid Troop and Scout of eighteen men being appointed to march and Scout as before expressed:

Ordered that the Secretary write to Lt. Col. Hilton that all other Scouts formerly appointed be discharged for the present until further order, and that strict care be taken for the immediate march of the said Troop, and for sending out the eighteen men as above expressed.

The two following letters from Whitehall, was read at this Board, in hæc verba Sequen:

Trusty and Well Beloved: Wee greet you well. Whereas, wee are sensible that effectual Care ought to be taken to oblige the members of our Council to a due attendance therein, in order to prevent the inconveniences that may happen for want of a Quorum of the Council to transact business, as occasion may require; It is our will and pleasure, that if any of the members of our said Council shall hereafter willfully absent themselves, when duly summoned, without a just and lawful cause, and shall persist therein after admonition, you suspend the said Councellor soe absenting themselves, till our further pleasure be known;—giving us timely notice thereof. And wee hereby will and require you that this our Royal pleasure be signified to the several members of our Council in the Province of New Hampshire, and that it be entered in the Council Books of our said Province of New Hampshire, as a standing Rule. Soe wee bid you farewell. Given at our Court at Kensington, the 20th day of November, 1707, in the sixth year of our Reign.

By her Majesty's Command,
SUNDERLAND.

Privy Seal.

To our trusty and well beloved Joseph Dudley, Esq. Our Capt. Genl and Commander in Chief of our Province of New Hampshire in New England in America, or to the Commander in Chief of our said Province for the time being.

Whitehall December the 30th 1707.

Sr: Her Majesty having been pleased to write Circular letters to all her Governours in America, requiring the Councellors in the Plantations diligently to attend her Majesty's service in the respective Councils of which they are members;—We send you here inclosed one of the said Letters, directed to yourself which you are to cause to be entered in the Council Books of the Province of

New Hampshire, and to take care that her Majesty's pleasure herein be punctually observed. Soe wee bid you heartily farewell.

Your very loving friends,
STAMFORD.
HERBERT.
PH. MEADOWS.
J. PUTTENEY.
R. MONCKTON.

To our trusty and well
beloved Joseph Dudley, Esq. our Capt. General
and Commander in Chief of our
Province of New Hampshire in New
England in America, or to the
Commander in Chief of our said
Province for the time being.

Received 26th July.

[P. 225.] Province of New Hampshire.

At a Council held at Portsmouth,
the 13th August, 1708.

Present.

Peter Coffin,	Esqs.	John Gerrish,	Esqs.
Nathl Weare,		Saml. Penhallow,	
Wm. Vaughan,		John Plaisted,	

Whereas her Majesty, by her letter under the Privy Seal at Kensington, the 2d May 1707, hath been pleased to appointe the eldest Councellor whose name is first placed in her said Majestys Instructions to the Governour to take upon him the Administration of the Government, in the absence of the Governour and Lieut. Governour, and to execute her Majestys Commission and Instructions and the several powers and authorities therein contained, in the same manner to all intents and purposes as other her Majestys Governours or Commander-in-Chief should or ought to doe, in case of their absence, as by the said letter reference being had will appear: And whereas Peter Coffin, Esq. as wee suppose is the first nominated in her Majestys' Instructions, and living and residing in her Majestys' Province of New Hampshire, his place of abode being at Exeter about fourteen miles distance from the Town of Portsmouth, where the Council generally sits;—

Ordered, that upon the motion of any two of her Majes-

tys' Council, the Secretary Imediately send forth his orders to summon the Council together at the usual place accustomed in the Town of Portsmouth.

[P. 226.] Province of New Hampshire.

At a Council held at Portsmouth, on Sunday, the 15th August, 1708.

Present.

Peter Coffin,	Esqs.	Saml. Penhallow,	Esqs.
Wm. Vaughan,		John Plaisted,	
Robt. Ellott,			

His Excellencys Letter, dated Roxbury, 12th instant, was read at this Board, in hæc verba sequen.

"Roxbury, 12th Aug. 1708.

Gentlemen—

I am extremely suspicious that soe great a force as is expected from Canada, most French, doe not intend a small matter; and I often think they intend for Portsmouth; especially if they can come undiscovered. I am therefore desirous that there be a good Scout of twenty men sent to Winnepisioca, who may lye there secretly a few days at their usual landing place, to discover them and their number, and return secretly with intelligence, and if they point that way, and you will send Express, there are of

Haverill, a Troop of	40
and Foot,	80
at Kingston, a Troop of	40
and Foot	80
Exeter, Troop	40
Foot	70
Cochecho Foot	60
Newichawanock Troop	40
Foot	100
York and Wells	110

all whom if you send for will march to your assistance: let every body be employed forthwith to mend your lines and keep out good Watches where they can approach; give over other business; it will be determined in a weeks time.

I pray God preserve you.

Yr humble servant,

J. Dudley.

The Gentlemen of the Council having considered well about the Scout to Winnepissaocoe,

Ordered, that Lieut. Colonel Hilton, imediately [p. 227] draw out twenty proper souldjers from Hampton, Exeter and Dover, to be commanded by Capt. James Davis, if he can be persuaded to take it upon him; otherwise the said Lt. Colonel Hilton to provide a suitable man to command the said souldjers, as a Scout, to march to Winnepissiacoe, pursuant to his Excellency's letter there to lye secretly at the usual landing place of the enemy, and if possible to make a discovery of them, and their number, and upon any discovery forthwith to return secretly and give intelligence; and the Treasurer is to take care to provide eight days provisions for the said Scout, and send the same to Capt. James Davis, his house.

Ordered, that Mr. Secretary Story, write to Lieut. Colonel Hilton, that he immediately send to Capt. James Davis to consult with him about the men proper to go the above-said Scout.

Pursuant to his Excellencys' letter aforesaid, Ordered, that the Line formerly built in Portsmouth, extending from the Mill Dam pond to Major Vaughan's Barn, being most of it down, and the rest much out of repair, be forthwith rebuilt and repaired; and that the Secretary issue forth his warrant in her Majestys' name to the Committee of the Militia of Portsmouth, that without delay they take care to see the same rebuilt and repaired with all expedition.

[p. 228.] Province of New Hampshire.

At a Council held at Hampton, on Monday the 16th August, 1708.

Present.

The Honourable John Usher, Esq. Lieut. Governour.

Peter Coffin, Nathl Weare, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Honour was pleased to declare to this Board, that by his Excellency the Governour's commands, he was come into this Province for her Majesty's Service, and that his Excellency had acquainted him there were four hundred soldiers ordered to be quartered in this Province, from the Massachusetts Government, and three hundred in the Province of Maine, to be ready to assist any town or place that

may be set upon by the enemy; And that he received his Excellencys orders of the Sabbath Day, at ten of the clock in the forenoon, and got to Newberry by five in the afternoon, and that night arrived at Hampton in the Province of New Hampshire; and immediately issued forth his order to the Secretary to notify the Council, to meet at Hampton the next day, being Monday, by ten of the clock, in the morning.

His Excellencys letter of the 12th instant relating to the Forces and the Line in Portsmouth being asked for by the Lt. Governour, was read at this Board.

The Gentlemen of the Council acquainted the Lieut. Governour, that considering the danger the Town of Portsmouth were in to be attacked by the enemy, they had wrote to his Excellency for a supply of fifty or sixty men to be sent to that Town for their defence; and in the meantime prays that his Honour the Lieutenant Governour, would be pleased to order that there may be detached out of the several Companies of soldiers Quartered in this Province, soe many, as his Honour shall see meet for the security of the said Town of Portsmouth.

[P. 229.]

Upon the application of the Gentlemen of the Council, and considering the danger the Town of Portsmouth is exposed unto by the opportunity the Enemy has to come by water:

Ordered, That two Vessels or Shallopps be imprest with men and oars to be sent out as Spy Vessels for discovery of the Enemy, or fires in the woods, and to Cruise along shore from the Harbors mouth at Portsmouth to the Eastward, as far as Winter Harbor, and soe back again, and to continue soe doing till further order.

Ordered, that Mr. Treasurer Penhallow, provide proper lodgings, in every respect, at her Majesty's Fort Wm. and Mary, for the Honourable the Lieut. Governour by to-morrow at night.

[p. 230.] Province of New Hampshire.

At a Council held at Newcastle, the 18th August, 1708.

Present.

The Honble John Usher, Esq. Lieut. Govern^r.

Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs.

The Selectmen of the Town of Portsmouth, being summoned to appear at this Board to give account of what stock of Powder were in the Town Treasury; and accordingly Thomas Phipps, Esq. Messrs. John Pickerin and James Levitt, three of the Selectmen, appeared and being asked by the Lieut. Governour what stock of powder there were in the said Treasury: —

Answered — Not half a dozen pounds.

Ordered that the present Select men of the said Town of Portsmouth, doe in twenty four hours time, provide a Town stock of powder and ammunition as the law directs.

The Petition of Theodore Atkinson, Esq., and owners of the Sloop Newcastle, relating to be Cleared from the Imbargoe, being upon her voyage to New Found Land, &c.

The Gentlemen of the Council considering the season of the year and the cattle on Board the said Sloop may want provisions, and that if the said Sloop is detained few days more it will ruine her intended voyage, it being late in the year; It is the opinion of the Council that his Honour the Lieut. Governour for the reasons aforesaid, may permit the said Sloop to proceed on her voyage with all expedition.

Joseph Smith, Esq. took the accustomed oaths appointed by Law, and sworn by the Lt. Governour as a Justice of the Peace, in open Council.*

* Joseph Smith, son of Robert Smith, was born about 1653, as appears from the record of his death. He died Nov. 15, 1736, æ. 64 years. He was thrice married, but died without offspring. He m. 1, Dorothy, eldest dau. of Rev. Seaborn Cotton, who d. Dec. 20, 1706, æ. 50 years; 2, April 17, 1707, Mary Moore, who d. Oct. 15, 1708; 3, Feb. 16, 1709, Wid. Elizabeth Marshall, who outlived him.

Mr. Smith was not employed in town business as frequently as were some other men, yet he was many years in public life. He was a Deputy or Representative in 1692, 1708, 9, 16, and perhaps at other times; a Selectman 7 years, viz.: for the years commencing Nov. 10, 1701; Dec. 29, 1708; Dec. 29, 1709; Jan. 1, 1711; 1st Monday in March, 1713; March 1, 1714; March 7, 1715. At all these seven dates he is styled Major. In 1716 he is styled Colonel. How long he was a Justice of the Peace, I do not know.

From 1694 to 699, he was a Justice of the Superior Court—Chief Justice in 1698. [see the N. H Repository, Vol. 2, p. 35] from 1703 to 1708, Judge of Probate [idem. p. 111]. In 1708, he was a Councillor. He was also about this time Treasurer of the Province. [Com. by Joseph Dow, Esq. Hampton.—Ed.]

[P. 231.] Province of New Hampshire.

At a Council held at Newcastle, on Thursday, the 19th August, 1708.

Present.

The Honble John Usher, Esq. Lieut. Govern^r.

Robert Ellott, Wm. Vaughan, John Plaisted, } Esqs.

His Excellencys Letter, dated Boston, 16th instant, relating to the extravagant price of Indian corn and Rumm sett by the Inhabitants of Kingstown upon the souldjers there, was read at this Board, and the Lieut. Governour acquainted the Gentlemen of the Council he had taken care therein.

Mr. Waldron's letter, dated Cocheco, 18th inst. directed to the Lieut. Govern^r, relating to a Company of souljers there wanting supply of Salt, &c. was read at this Board.

[P. 232.] Province of New Hampshire.

At a Council held at Newcastle, on Monday, the 23d August, 1708.

Present.

The Honourable John Usher, Esq., Lt. Govern^r.

Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs.

His Honour acquainted this Board that he had rec^d an Account from Capt. Coffin of his marching as a Scout to Wheelwright's Pond*, Whitehall, &c. and that they see no manner of tracks of the enemy.

His Honour also acquainted this Board, that the two rooms at the Fort being for lodgings for the Lieut. Governour, is neither fitted or plastered, and is very inconvenient for lodging until finished.

Ordered, that the Treasurer take care to get workmen

* "Wheelwright's Pond" is in Lee; and is the principal source of Oyster River. It is memorable for the battle which was fought near it in 1690, between a scouting party of Indians and two companies of rangers, under Capts. Floyd and Wiswall." N. H. Gaz 1823.

"Whitehall." The locality of the place is not definitely ascertained.

and materials with all expedition, and cause the same to be lathed and plastered, finished and completed, fit for comfortable Lodgings.

[p. 233.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 26th August, 1708.

Present.

The Honble John Usher, Esq. Lieut. Govern^r.

Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs.

His Honor the Lieut. Governor asked the Gentlemen of the Council if they had any thing to offer to him for her Majesty's service, and the good of the Province;—he would readily adhere thereto.

Answer — they knew nothing at present.

His Honour acquainting this Board that having an account of the Enemy most of them being returned, desired to know their opinions whether the Spy vessels might be ordered to continue or to be dismist.

It is the opinion of the Council that upon the return of the Spy vessels, they be dismissed if they have made no discovery of the Enemy. [Speedwell dismissed, the 29th Aug^t, 1708.]

The Selectmen of Exeter according to notification, appeared at this Board, and gave his Honour an account that they had a Barrel and a half of powder and 200^wts of shot in their Town Stock, it being generally the full quantity of that place.

His Honour made the following speech, in hæc verba sequen:

Gentlemen —

At my coming into this Province, informed you, Mr. Chase at Hampton had made provision for my Entertainment; but at the request of this Board I went to Portsmouth, and from thence to her Majesty's Fort; I must say the provision made for my Lodging worse than my negros servants (but that is over)— both as to room and lodging.

While in the Province, both night and day taking orders for security of the Province, I shall give full orders and directions that are needful as to the Militia.

[P. 234.] Having leave from his Excellency for ten days, I coming away at an hours warning, left all my concerns in a suffering condition,—design to go home.

Upon my return to his Excellency shall render account of the true state of this Province, though the burthen of the Government hath lain heavy on my shoulders, having no rest day nor night; hope you, Gentlemen, will do whats proper, but must acquaint you the ordering the Militia is in the Commander-in-Chief and not for the Council to contradict the Commander in Chiefs orders to the Militia. If you have anything to offer to his Excellency I shall take note thereof.

Province of New Hampshire.

At a Council and General Assembly held at Portsmouth on Thursday, the 2d September, 1708.

Present.

Peter Coffin,	Esqs.	John Gerrish,	Esqs.
Robert Ellott,		Wm. Vaughan,	
Nathl. Weare,		Saml. Penhallow,	
		John Plaisted,	

Whereas it is credibly reported that there has been lately several Indians heard, as it is supposed, whistling about Little Harbour and towards Sandy Beach, in the night time: —

Ordered that Capt. Thomas Phipps, Esq. and Tobias Langdon send out each of them half their Companies tomorrow morning early, to scout the woods near Little Harbour and Sandy Beach, in order to make a discovery of the Enemy, and that the Secretary issue forth his orders accordingly.

The following letter was read at this Board

Portsmo, Sept. 2d, 1708.

May it please your Excellency.

Wee received yours of August, the 16th, and should have answered it sooner had not the Lt. Governr been then here, but heartily sorry that your Excellency should resent what wee have writ, in a different sense to what we ever intended; for there was not the least design of offering any indignity to your Excellency, or invading your Excellency's power; but wherein wee have writ anything offensive to your Excellency, wee humbly beg your Excellency's pardon, resolving in all things to submit ourselves to what your Excellency shall advise for her Majesty's interest in this Province.

At same time, wee humbly Crave leave to inform your Excel-

lency that by the advice of Lieut. Governr Usher, unto several of the Captes before his return home, he was pleased to direct them, in no respect to observe any order that might come from her Majesty's Council relating to the Militia, by which means wee are rendered little and her Majesty's interest in this juncture may be very much obstructed; insomuch, that when the news Came of Haverill's being attacked, Major Smith was pleased to advise Capt. Phipps thereof, without giving any of us the least hint, by which means wee were kept in ignorance; and unless there be some regulation shall be rendered uncapable from time to time of sending your Excellency any account of matters.

Wee will always pay that deference to your Excellency and all your orders, as not to contradict them; but while wee bear the figure of the Queens Council, wee expect from all Officers both Civil and Military a respect suitable to our Station.

Ordered that the Secretary Ingross the aforesaid Letter and direct it to his Excellency, the Governor, and sign it.

Per order of the Council—

CHAS. STORY, SECRETARY.

[p. 236.] Province of New Hampshire.

At a Council held at Portsmouth, on Friday, the 7th January, 1708–9.

Present.

Peter Coffin, Wm. Vaughan, } Esqs. Robert Ellott, Saml. Penhallow, } Esqs.

His Excellency's letter of the third of January, 1708, relating to the forwarding Colonel Hilton's March with the Forces Eastward against the Enemy, on Monday next, if the weather permit, and to obtain a Minister to accompany him in that Service, was communicated.

Mr. Treasurer Penhallow acquainted this Board that he had gott all things in readiness for the subsistance of the Forces that goes out of this Province, excepting Blankets, which Cannot be produced at any Shopp in this town. It is therefore ordered, that Lt. Colonel Hilton issue forth his orders to the several Capts. of the several towns of this Province, who sends out souldjers upon the said march, that each town furnish their souldjers with Blankets, and in case they refuse to do the same, that then such Capts.

apply themselves to some Justice to impress what Blankets may be wanting for such soldiers.*

Ordered that a Shallop and men proper be forthwith imprest to carry provisions and necessaries for the abovesaid Forces to Cascoe, and there deliver the same to Capt. Moody, Commander of Cascoe Fort; And that the Secretary issue forth his warrant accordingly.

[P. 237.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 20th January, 1708.

Present.

Peter Coffin, Robert Ellott, } Esqs. Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs.

His Excellency's letter dated Boston, 10th January, Current, relating to two Acts of Parliament to be proclaimed with the usual solemnity—to wit.

An Act for ascertaining the Rates of Foreign Coins in her Majesty's Plantations in America.

The other—

An Act for the Encouragement of the Trade to America, was communicated at this Board:

Ordered that the said Acts be forthwith published, accordingly.

[P. 238.] Province of New Hampshire.

At a Council held at Portsmouth, on Thursday, the 17th of March, Anno Domini, 1708.

Major Wm. Vaughan, Robert Ellott, John Gerrish, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Mr. Treasurer Penhallow's General Account for the year 1707, and part for the year 1708, amounting to the sum of 1533lb: 7s: 2d: was sworn to by the said Mr. Penhallow, to be a just and true account both of Debt and Credit, which was allowed in Council.

*"Col. Hilton again marched toward the headquarters [of the Indians] with one hundred and seventy men, at Amasaconty, Piqwacket, and other places adjacent; but after a long and tedious march could make no discovery." *Penhallow's In. Wars.* N. H. Hist. Coll. I, p. 60.

[p. 239.] Province of New Hampshire.

At a Council held at Portsmouth, the 31st day of March, 1709.

Present.

Peter Coffin,	Esqs.	Wm. Vaughan,	Esqs.
Robert Ellott,		Saml. Penhallow,	
Nathl. Weare,		John Plaisted,	

The Council was this day advised, that whereas out of the Grant of 860lb to her Majesty for the Support of this Government, made the 16th October, 1707, by the General Assembly, for payment of the Province Debts, and for preparing an Address to her Majesty, and other incident charges, as the said Act is entituled: 250lb thereof, was appropriated specially by the Council and Assembly, for the support of their Agent attending her Majesty with the said Address, and it having been neglected to enter the Advisement of drawing the same out of the Treasury agreeable to the vote of both Houses:

The Secretary is hereby directed now, to enter the same accordingly in the presence of the Council.

So far gone to England.

[p. 240.] Province of New Hampshire.

At a Council held at Portsmouth, on Friday, the 3d June, 1709.

Present.

Peter Coffin,	Esqs.	Robert Elliott,	Esqs.
Wm. Vaughan,		Saml. Penhallow,	

His Excellency's letter, dated Boston, 30th May, 1709, was communicated at this Board, in hæc verba Sequen:

Boston 30th May 1709.

Gentlemen:

I am extremely surprised to hear an intimation of any backwardness in any officers or others concerned in the Province of New Hampshire, that I have not the number appointed coming to me; I have given my Warrant to Colonel Hilton to raise and march ninety four men & officers to this place; and desire and expect of you that you be in all things assisting to his march, and that the Treasurer supply the subsistance ashoare, as well as the Transports, and subsistance for four months during the voyage; all her Majesty's other Governments are in earnest; Connecticut

has doubled their Quota, New York has added five hundred, and we are no doubt drawing back. I pray you not to put me upon any methods in this matter that may be greivous.*

I am Gentlemen, your humble Servant.

J. DUDLEY.

On her Majesty's service,
To Mr. Secretary Story, to be
presently Communicated to the
Gentlemen of her Majesty's Council
of New Hampshire—Portsmouth.

J. DUDLEY.

[P. 241.] Province of New Hampshire.

At a Council, held at Portsmouth, on Thursday, the 16th June, 1709.

Present.

Major Wm. Vaughan, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency the Governor having this day communicated to us letters from the Honorable Colonel Vetch, covering the Addresses and application of the several Governours of New York, Connecticut and Pensylvania to the Honourable Colonel Francis Nicholson, Esq. to accept the Command of the Forces of those her Majestys Provinces and Governments in the present Expedition; We do hereby signify our great satisfaction therein, and desire the Governour will please to transmit this our vote to the Honourable Colonel Nicholson, accordingly.

Ordered, that the Secretary send his Excellency a copy of the above vote of Council by this Post, and Counter sign his name thereto by order of the Council.

[P. 242.] Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 20th of June, 1709.

Present.

The Honourable John Usher, Esq. Lieut. Governour.

Wm. Vaughan, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

* [The object of this expedition was to make an attack on Canada; which, however, entirely failed.—ED.]

His Honor the Lieutenant Governour made the following speech, in hæc verba sequen.

Gentlemen—

His Excellency having account thirty men short of number Quota appointed for this Government, for her Majestys service for Expedition in reducing Canada, the glorious undertaking of so great an enterprise by her Gracious Majesty, together with the charge and expense from the Crown should have been in particular Incouragement to this her Government, considering, please God to give success, will be that persons may sit quiet under their own vines,—am sorry there should be a neglect attended with disorders.

His Excellency would have the Transports dispatch with speed, and that due care be taken for full allowance for four months from Nantaskett, and care for their subsistance while they stay, that they may not waste their stores; and provision for officers, & sick and wounded.

His Excellency's desire is that you would supply Major Walton with twenty pounds.

In obedience to his Excellency's commands, I am come into the Province to promote and forward his desire as above.

Gentlemen—

It is now about twelve months I came into the Government with hazard of my life: staid by his Excellencys command some time, spent my own mony and time, had no allowance, am now come again, expect allowance as is in Honor due to the Queen's Commission; knowing considerable hath been advanced for others, as by acc^ts sent home.

It is his Excellencys pleasure you sit every day till all things accomplished, hope you [p. 243.] will dispatch all things to satisfaction; there is nothing thats proper for me to do shall be wanting.

I have ordered all Commission officers to attend me that due care may be taken for supply of the soldiers.

Gentlemen—

It seems strange that his Excellency for a long time should give orders for impressing two Transport Vessels, and men to navigate them, for her Majestys service: that when I now come into the Province wanting about five or six (when Seamen walk in the streets) that I am obliged to lay an Imbargo: must say service not promoted as ought.

His Excellency the Governor's letter of the 16th current, dated at Roxbury, relating to the Transports and provisions for four months full allowance for our Quota of men, and for subsistance while they tarry in the country, and for provisions for the officers and sick and wounded; as also that there is thirty men wanting of our Quota, and that the Council sit de die in diem till all things were done to satisfaction, was communicated at this Board.

The Council in Answer to his Excellency's said letter, are of opinion, that it is very necessary that there be four months provisions full allowance for our Quota of men at Nantaskett, as also subsistance for them till they depart from thence; and have discoursed the Treasurer relating to the same, who acquaints them that by reason of the unexpected length of time of the Fleets tarrying, there will be wanting (besides what is raised by Act of Assembly) two hundred and fifty pounds to purchase the said provisions and subsistance.

The Council replies, That there can be no mony raised till an Assembly meets; who desires the same may be signified to his Excellency, the Governor.

Ordered, that the Proclamation about Deserters, in hæc verba sequen: be forthwith published.

[P. 244.]

By the Honorable JOHN USHER, Esq. Lieutenant Governour and Commander in Chief of Her Majestys Council of New Hampshire, in New England, in America:—

A PROCLAMATION.

Whereas divers persons within this her Majesty's Province of New Hampshire have been impressed into her Majestys service to go upon an Expedition to Canada against the French and Indian Rebels and Murtheres, who have since run away and deserted the said service—

I have thought fit by and with the advice of her Majestys Council, to issue forth this Proclamation, that in case such deserters or any of them doe come in and surrender themselves to some of her Majesty's Justices of the Peace, within this Province, within forty eight hours, there shall be noe Fine or punishment inflicted upon them;—otherwise they will be proceeded against with utmost severity of Law. And all her Majestys subjects and others are hereby strictly forbidden to entertain, harbour, or conceal any of the said runaways or deserters, as they will answer the contrary on the penalty of the Law.

Given at the Council Chamber, at Portsmouth, the 20th day of June, in the eighth year of her Majesty's Reign, and Anno Dom. 1709.

JOHN USHER.

God save the Queen.

By order of the
Lieut. Governor
and Council.

Chas. Story, Secretary.

Adjourned till tomorrow morning ten of the clock.

[p. 245.] Province of New Hampshire.

At a Council held by adjournment on Tuesday, the 21st June, 1709.

Present.

The Lieut. Govr.

Wm. Vaughan, Robert Elliott, } Esqs. Samuel Penhallow, John Plaisted, } Esqs.

His Honor the Lieut. Governour and Council, having discoursed Mr. Treasurer relating to the subsistance of the soldjers at her Majestys Fort, Wm. and Mary, with provisions,

Mr. Treasurer answered, That he was incapable of doeing the same, for that he had no pork or salt provisions, nor knew not where to get any in these parts; and alsoe that there was no mony in the Treasury to purchase the same, but he hopes in 14 days time he may be able to supply them.

Ordered that whereas there was two vessels formerly voted by the General Assembly in May last, for Mr. Commissary Penhallow to take up as Transports upon an Expedition to Canada, and whereas the said Commissary hath taken up the Brigantine Newcastle, and the Sloop Exeter, who are now in readiness to sail for Nantaskett:—

That the Secretary issue forth a warrant of apprisement directed to Capt. Richard Wybrid and John Wincal, to value and apprise the Sloop Exéter; and to Robert Elliott, Esq. and Hugh Reed, to value and apprise the Brigantine Newcastle, upon their oaths, and to an Inventory of each Vessel's Tackle, apparrell, furniture, &c. and return the same into the Secretary's office within three days, And that the said Vessels be allowed and paid in proportion pro rata as the Massachusetts Government pays, as likewise the Sailors, Officers, and Soldjers.

Ordered, that the Lieut. Governour be paid out of the Treasury five pounds, for his Expenses and disbursements in Coming into this Province about our Quota of men and Transports, in [p. 246.] order to hasten them to Boston; and that for his Extraordinary Care, charges and good service, it may be laid before the next General Assembly, that a sum of money may be presented him as a Gratuity for the Same.

Province of New Hampshire.

At a Council held at Portsmouth, on Sunday, the 26th June, 1709.

Present.

The Honorable John Usher, Esq. Lieut. Governour.
Wm. Vaughan, Esq. Samuel Penhallow, Esq.
John Plaisted, Esq.

His Excellency's letter of the 24th Currant, directed to the Honourable Colonel John Usher, Esq. relating to 200 Indians marched from Mont Real thirty two days ago, was communicated at this Board.

His Honor acquainted the Gentlemen of the Council that he had issued out orders to Colonel Hilton, to raise the Troop and forty Soldiers to range the Frontiers, from Kingstown to Newichawanack, and to keep watch and ward, and to put all in close garrison and therefore proposes to know what method to take, that the Troop and the forty soldiers as a Scout be provided for with provisions.

The Gentlemen of the Council think it highly reasonable that provisions be taken care for accordingly.

Ordered that Mr. Treasurer Penhallow, take speedy care that the Troop and forty soldjers abovesaid, be furnished with provisions necessary for the scouting.

In answer to the above order, Mr. Treasurer saith he has no salt provisions, neither [p. 247.] knows where he can procure any in these parts, but can spare about 200wt of Bread and is very free and willing to advance for the purchasing of provisions needful, as soon as it possibly can be got, provided the Assembly raise a fund for the same.

Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the 27th June, Anno Domini, 1709.

Present.

The Honble John Usher, Esq. Lieut. Governour.

Peter Coffin, Robert Elliott, } Esqs. Major Wm. Vaughan, Saml. Penhallow, John Plaisted. } Esqs.

His Honor the Lieut. Governour was pleased to make the following speech, in hæc verba sequen.

Gentlemen: Yesterday I communicated to you his Excellency's letter of the 24th June, giving account of Indians coming from Mont Real. I have his Excellency's letter of June. Then wanted 26 men; that if I send 20 by the Transport and the Council be contented to have six men hired at five pounds a man, did judge they may be had; be pleased to grant your consent that Major Walton may have them accordingly.

The Council are of opinion that they are no way concerned in hiring of men.

Mr. Treasurer Penhallow proposed to his Honor the Lieut. Governour, and the Gentlemen of the Council, that there might be a Minute of Council made relating to the subsistance of our Quota of men, how much per diem he must allow each officer and soldier, for subsistance on the present expedition to Canada.

[P. 248.] Ordered that each officer shall be allowed in equal proportion with those of the Massachusetts, according to their establishment.

Proportion for Ordinance, Carriages, powder, shot, &c. to be issued for supply of her Majesty's Province of New Hampshire, in America, viz:—

Iron Ordnance Minion		12
Travelling Carriages for ditto		12
Round Shot for Minion		300
Tin Cases filled with Musqt Shot for Minion		180
	la.	sp.
Ladle and Sponge	12	12
Ladle Staves		12
Cases of Wood for Minion		24
Funnels of plate		4
Corn powder	115 Barrs	
Malch		4 cwt
Sheet Lead		1 cwt
Aprons of Lead		12
Linspins		12 p.
Sleges		2
Hosecockeys [?]		24 p.
Small metting Ladles		2
Nailes of 40s		500
20		1000
10		2000
6		2000
2		2000
Field Bedds		12
Conies		36
Tompkins small		12

Heads andRamers small	12p.
[p. 249.] Formers Small	4
Budge Barrels	4
Crows of Iron	12
Tann[d] Hides	8
Sheep Skins	3
Basketts	12
Paper Royal	11 Rhm
Tallow	1[cwt]
Starch	14[lb]
Needles	14[doz]
Thread	14[lb]
Musco Lights Ordinary	4
Ditto Extraordinary	1
Waddhooks	4
Hand Crow Leavers	24
Powder Horns	12
Priming Irons.	24
Linsocks	12
Martin	12
Twine	14
Wire	4
Felling Axes	12
Broad Axes	4
Cross Cutt Saws	2
Large Sledges	2
Large Hammers	2
Ordinary ditto	2
Shovells	100
Pick Axes	25
Spades	10
Hallyard Ropes	200 yds
[p. 250.] Iron of Sorts	2 Tuns
Field Drums	2
Ditto Heads	2
Spare Rimms	2

Copy. J. Dudley.

Boston 15th October, 1709.

I this day recd letters from the Board of Ordnance, dated the 11th of August last past signed C. Musgrove and Ja. Craggs, with the inclosed Invoice of Ordnance, powder and Stores, for the service of the Province of New Hampshire, which are now arrived in the River of Piscataqua, on board the Ship Supply.

These are therefore to impower and require you and every of you forthwith, to acquaint the Master of the Supply, that you are ready to receive the said Ordnance and Stores ashore; and you are hereby directed to lodge the Cannon and Carriages and utensils belonging to them in the Fort, and take particular receipt of the Commander of the Fort for every particular by indent, and bring up the powder to the Bank, and take a proper chamber to lodge the same, and put good locks upon them, and appoint a Store Keeper, and let nothing be thence delivered but by warrant

under the hand of her Majestys Governour or Comander in Chiefe for the time being.

If any part of the said Stores shall not answer the Bill of Loading, you shall remark the same to me, and give the receipt necessary to the Master of the said Supply, and enter your proceedings hereupon with this letter, in the Council Book of the Province of New Hampshire. Given under my hand,

J. Dudley.

vera Copia Attest^{r}
p^{r} Chas. Story, Secretary.

To the Honourable
Wm. Vaughan, Saml Penhallow, Mark Hunkins, } Esqs.

[p. 251.] Province of New Hampshire.

At a Council held at Portsmouth, on Friday, the 11th of November, 1709.

Present.

Wm. Vaughan, Robert Elliot, } Esqs. John Gerrish, Saml. Penhallow, John Plaisted, } Esqs.

His Excellency the Governours letter was read at this Board, in hæc verba sequen.

Boston, 7th Nov. 1709.

Sirs. At the Congress of her Majestys Governours at Rehoboth, amongst other articles then concluded, of which you Gentlemen had a copy, it was moved that the Assemblies should be desired to send an Agent to assist Colonel Nicholson in the Representation of the state of the Provinces; and to put forward an expedition against Canada the next year.

I am not sensible to what time the Assembly is prorogued, but desire the Gentlemen of the Council forthwith to meet, and give me their opinion whether it be not best for the Province of New Hampshire to send; let me hear by this post, that I may accordingly order the sitting of the Assembly.

Conecticutt have chosen their Governour Salliston,* who writes me that he will attend the service, and I shall move it now in the Assembly. Communicate this immediately, and let me have the Gentlemen's advice thereupon.

I am S^{rs} your servant,

J. Dudley.

For her Majestys Service
To Mr. Secretary Story,
J. Dudley. Piscataqua.

[*Saltonstall.]

The Gentlemen of the Council in answer to the aforesaid letter, declared that it was their opinions, an Agent be sent from hence as one improved from this Province, to assist Colonel Nicholson [p. 252.] in the Representation of the State of this Province; and to put forward an Expedition to Canada the next year.

Province of New Hampshire.

At a Council held at Portsmouth, on Monday, the twenty first day of Nov. 1709.

Present.

Wm. Vaughan, Nath[l] Weare, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

Ordered, that a General Thanksgiving be kept throughout this Province on ——— the —— day of December next, and that the Secretary issue forth Proclamations to the Ministers of the several Towns, to be published in their several meetings one Sabbath day before the said first ——day of December. The Proclamation to be in hæc verba sequen:

By his Excellency Joseph Dudley, Esq. Captain General and Governour in Chief in and over her Majestys Provinces of New Hampshire, &c.

A Proclamation for a General Thanksgiving.

It having been the good pleasure of Almighty God, who is righteous in all His ways and holy in all His works, under a long process of various judgments upon this sinful unreformed people, in the midst of Judgment to remember Mercy, and [p. 253.] to show Himself gracious to us, particularly in the Summer past, in the great measure of health vouchsafed; in granting us a much more plentiful Harvest than we could reasonably hope for, by reason of the sore scorching Drought, on several parts of the Province; in restraining the outrage of our enemies and protecting our open towns and villages from their insults wherewith they have some time infested us; in yet favoring us with Gospel enjoyments and privileges, and the addition of innumerable other blessings, all which demanded our most grateful acknowledgements:—

I have therefore thought fit, by and with the advice of her Majesty's Council to order and appoint Thursday, the first day of December next, as a day for public general Thanksgiving throughout this Province, to celebrate the High Praises of God for His many and great mercies to our sovereign Lady the Queen, our

Nation, and ourselves; hereby strictly commanding a religious observance of the said day, forbidding all servile labor and recreations thereon, and exhorting both Ministers and People in their public Assemblies, with a becoming devotion to offer up sincere and hearty praises to the God of all our Mercies, that we not forget all His benefits, but may through Grace have the continuance of His favors.

Given at the Council Chamber at Portsmouth, the 21st day of November, 1709, in the eighth year of the Reign of our Sovereign Lady Anne, by the Grace of God, of Great Britain, France and Ireland Queen, Defender of the Faith, &c.

J. Dudley.

God Save the Queen.

By order of his Excellency
the Governour, with the
advice of the Council.

Chas. Story, Secretary.

[p. 256.] Province of New Hampshire.

Att a Council held at Portsmouth, on
Monday the third day of June, 1710.

Present.

Major Wm. Vaughan, } Esqs. Sam'l. Penhallow, } Esqs.
Robert Elliott, } John Plaisted. }

His Excellency's Letter was read at this Board in hæc verba Sequen:—

Sr: This directs you upon receipt hereof to Summons the Members of her Majesties Council to attend at the Council Chamber in Portsmouth, and there to Communicate to them the two inclosed Orders of her Majestic in Council directing the Admission of Richard Waldron, Esqr and Mark Hunkins, Esqr to be Members of her Majesties Council of the province of New Hampshire; wherein you will Observe her Majesties more particular Commands referring to Mr. Waldron.

You Shall then and there Administer the Oaths appointed by Act of parliament, instead of the oaths of Allegeance and Supremacy to each of them, and take their Subscription to the Declaration appointed by the Said Act, and alike the Oaths of Councillors and make a Record of her Maj-

esties Orders in Council and of this Order and your proceedings thereupon, in the Council Book.

Given under my hand
J. DUDLEY.

To Mr. Secretary Story to be Communicated.

Her Majesties Orders are as followeth, viz

[P. 257.] At the Court at Saint James's the 20th December, 1705.

Present.

The Queens most Excellent Majestie,
His Royal Highnesse prince George of Denmark,
Lord Keeper,
Lord Treasurer,
Lord President,
Duke of Bolton,
Duke of Schonberg,
Lord Chamberlaine,
Earle of Stamford,
Earle of Radnor,
Earle of Bradford,
Lord Paulet,
Lord Dartmouth,
Lord Coningsly,
Mr Speaker,
Mr Vice Chamberlaine,
Mr Comptroller,
Mr Secretary Hedges,
Lord Ch. Justice Holt,
Lord Ch. Justice Trevor,
Mr Vernon,
Mr How.

Upon Reading this day at the Board a Representation from the Lord Coms for Trade and plantations, humbly offering that her Majestie will be pleased to Constitute Richard Waldron one of the Council of New Hampshire, in New England, being Recommended by Colonel Dudley the Governor there, as a person fitly Qualified for that trust in the Room of John Hinks who has left that Countrey without his leave, her Majestie in Council approveing thereof is pleased to Order that the said Richard Waldron be forthwith Sworn and admitted of her Majesties Council of New Hampshire, as is proposed in the Said Representation; And the Right Honourable Mr Secretary Hedges is to prepare a warrant for her Majesties Royal Signature, for Constituting the Said Richard Waldron a Member of the Said Council accordingly.

EDWARD SOUTHWEL.

Duplicate.

[p. 258.] Att the Court at Saint James's the 31st March, 1709.

Present.

Lord Chancellor,	Earle of Essex,
Lord Treasurer,	Earle of Radnor,
Lord President,	Earle of Wharton,
Duke of Somerset,	Earle of Scarborough,
Duke of Leeds,	Earle of Loudoun,
Duke of Bolton,	Earle of Seafield,
Duke of Roxborough,	Earle of Marr,
Lord Chamberlaine,	Lord Townshend,
Marquesse of Dorchester,	Mr. Secretary Boyle,
Lord Admiral,	Mr. Vice Chamberlaine,
Earle of Stamford,	Lord Ch. Just. Trevor,
Earle of Manchester,	Sr Chas. Hedges,
Earle of Rivers,	Mr. How.

Upon Reading at the Board a Representation from the Lords Comrs of Trade and plantations dated the 15th instant, Setting forth that Colonel Dudley, her Majesties Governr of the province of New Hampshire, having Informed that there are two Vacancys in the Council of the Said province by the Death of George Jaffrey (1) and Henry Dow (2), late members of the Said Council, whereby it is difficult for him to gett a Quorum of five Councellors to attend the Service of the Board, and haveing thereupon Recommended Mark Hunkins, Esqr (3) as a person fitly Qualified to Serve her Majestie in one of the Said Stations; And the Said Lords Coms humbly offering that her Majtie would be pleased to Constitute & appoint the Said Mark Hunkins a Member of the Council there accordingly, Her Majestie in Council approving thereof is hereby pleased to Order that the Said Mark Hunkins be Constituted & appointed a Member of her Majesties Council of New Hampshire, to Supply one of the said Vacancys And the Right Honble the Earle of Sunderland her Majesties principal Secretary of State, is to prepare a Warrant for her Majties Royal Signature, Constituteing and appointeing the Said Mark Hunkins, a member of her Majesties Council in the Said province, and requiring the Governour or Commander in Chiefe of the Said province for the time being to Swear and Admitt the Said Mark Hunkins to be of her Majties Council there accordingly.

EDWARD SOUTHWELL.

Duplicate.

(1) George Jaffrey, of New Castle, died at Col. Appleton's in Ipswich, Ms. 13th February, 1707, aged 69.

(2) Henry Dow, of Hampton, died 6th May, 1707, aged 73.

(3) Mark Hunkins, or Hunking, was of Portsmouth. "He was a merchant of liberal views and high moral worth."—ED.

[P. 259.] Att a Council held at Portsmouth, on the Seventh day of June, 1710.

Present.

Major Wm. Vaughan, Robert Elliott,	Esqs.	Saml Penhallow, John Plaisted,	Esqs.

Ordered, that Thursday the 15th Currant, be kept thro' this province as a General fast, And that the Secretary Issue forth proclamations accordingly to the Several ministers in each town of this province, in hæc Verba Sequen.

By His Excellency Joseph Dudley Esq. Capt. General and Governor-in-Chiefe in and over her majesties province of New Hampshire in New England,

A PROCLAMATION FOR A GENERAL FAST.

Upon Consideration of the vast Importance of the Affaires of the present Summer in Europe; referring to the further prosecution of the Warr, a Treaty of peace, and of the Distresses of this province by the Calamities of the warr and the present Sore Drought and Worms Awfully threatning the fruits of the Earth, as a just punishment for our unfruitfulnesse and refusing to be Reformed:

I have thought fitt by and with the Advice of her Majesties Council to appointe a General Fast to be Observed throughout this province, on Thursday, the Fifteenth of June Currant, Strictly forbidding all Servile Labour thereon, and exhorting both ministers and people in their Respective Assemblies on the said day, with humble penitential confession of our manifold Sins and Transgressions, And Sincere and Fervent Supplications to Almighty God, to Implore the Divine Mercy for the following desirable blessings, (that is to Say) that the Sacred person of our Soveraigne Lady the Queen may always be under the Divine protection and preserved ag[t] all Attempts and Conspiracies, Her life long Continued, and her Majesties [P. 260.] Just Arms with those of her Allies be crowned with Glorious Victories and Successes, And all Overtures of peace be Gratiously directed, That her Majesties Commands for these provinces may Speedily Arrive to us and be attended with Success, that our Frontiers and Sea Coasts may be under the protection of Heaven; Infections, Mortal Sick

nesses Kept out from us; That our prisoners in the hands of the Enemy may not be poysoned with the Romish Religion but Soon returned Home; That God would Gratiously pitty us with respect to the Drought and Devourers, Speedily send plentifull Raine for Refreshing the Thirsty Earth, revive the Languishing fruits thereof, and Rebuke the Worms and insects, Grant his Grations direction to the Govern[t] and his Blessing on all their Just Administrations; That the Spirit of Grace may be poured out upon all Degrees and Orders of persons among us; That the true protestant Religion may be propagated throughout the whole Earth.

Given in the Council Chamber at Portsmouth, the seventh day of June, 1710, in the ninth year of the Reign of our Soveraigne Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c. J. Dudley.

By order of his Excellency
with the Advice of the
Council.

Chas. Story, Secretary.

God Save the Queen.

[p. 261.] Province of New Hampshire.

Att a Council held at Portsmouth, on Fryday, the 16th June, 1710.

Present.

Major Wm. Vaughan,
Robert Elliott, } Esqs.
Saml Penhallow,

His Excellency's Letter of the 12th of June 1710, was read at this Board in hæc Verba.

Gentlemen—

You are hereby directed upon the Swearing of Mr Waldron and Mr Hunkins, into the Council, upon the receipt of this, to prorouge the Assembly to Wednesday the 21st inst. and Soe from Wednesday to Wednesday weekly untill further Order from my Selfe, that I may be ready for her Majties Commands which are to be Expected Every day.

And lett warrants be given out in due forme for the Choice of a New Member for portsmouth; And that the Commons at their next meeting receive the New Member and lett him be Sworn in due forme, and lett the House proceed to the Choice of a Speaker, and lett him be Reported to me that I may Send my acceptance of him into that place; And the House thereupon ready for buisinesse in her Majesties Service.

I am Gentlemen
Yo^r very humble Servt
J. DUDLEY.

For
Her Majesties Service
To
Mr. Secretary Story to be
Communicated to the Gentlemen,
of her Majesties Council
New Hampshire.

J. Dudley.

This day Capt. Mark Hunking, Esq. late Speaker of the House of Representatives was Swore as a Member of her Majesties Council, pursuant to her Majesties Commands, and took the oath of a Councillor, And the oaths appointed by Act of parliament instead of the Oaths of Allegiance and Supremacye and Repeated and Subscribed the Declaration.

Ordered, that the Secretary Issue forth a precept directed to the Sheriffe to Cause a Town Meeting by the Selectmen of the Town of Portsmouth, for the Electing or Deputing a Representative in loco Mark Hunkin, Esqr.

[P. 262.] Province of New Hampshire.

Att a Council held at Portsmouth, on Monday, the 14th August, 1710.

Present.

The Honourable John Usher, Esqr Lieut. Govrn^r.

Wm. Vaughan, Robert Elliott, } Esqs. John Plaisted, Richd Waldron, } Esqs.

Mark Hunkins.

The Lieut. Governour made the foll. Speech in hæc Verba:

Gentlemen—

Her Majesties pleasure to continue my Commission, and while soe Shall at all times be ready to serve her Majestie and the province, and for her Majesties Service am now come into the province, hearing of the Distress of Frontier places, and Never the like as this year, is the occasion of my coming; Shall readily doe what I cann for your Security, am Informed the Enemy daily Shew themselves; Fire their Gunns and Killing of Cattle; if possible Shall Oppose them and Expell them, being come into the province, Ordered your Meeting that I may be Informed State thereof.

I have Ordered Militia Officers this day to meet to Consult of those things which may be for yor Securitye.

His Excellency desired me to accquainte you was Sorry in this troublesome time Soe many men are drawen off for her Majesties Service, but he would take care to Order Troops to pass through province to Wells which would be a Covering to yor parts.

His Excellencys letter of the 9th of August 1710, was read at this Board in hæc Verba.

Roxbury 9th Augt 1710.

S^rs^

If it be not already done after the Manner of the Minutes you saw here and was directed to follow, when the Council next Sitts, lett there be a minute entered.

Voted unanimously, that there be an Addresse of thanks to her Majestie for her Majesties favours to all her good Subjects of New England, in the Expedition to Port Royal, to be drawn in Form and Sent by the first Conveyance.

Then lett yor Thanksgiving goe on for Thursday the Seventeeth instant.

[P. 263.] If either or both these Articles be done it is well; if not, Lieutenant Governour Usher will see them performed. I suppose the Assembly is upp, the Council, Especially now the Lieutenant Governour is with you is sufficient for ——— Articles. The Assembly will meet againe before any Safe Conveyance for Great Brittaine.

Lett your paperss for Whitehall be prepareing.

Yo^r^ Servt.

J. DUDLEY.

Her Majesties Orders of the 29th October 1709, relateing to the former Seal of this province to be Broke in Council and then to transmitt the Same Soe Broken to the Comrs, was read at this Board, and the said Seal was accordingly Soe Broken in Council: which Orders be in hæc verba Sequen.

ANNE R.

Privy Seal.

To our trusty and well beloved Joseph Dudley, Esqr, Our Captaine General and Commander in Chiefe of our province of New Hampshire in New England in America, and to our Lieutenant Governor and Commander of our Said province for the time being, Greeting: with this you will receive a Seal prepared by our Order for the use of our Government of New Hampshire which Seal is Engraven with Our Arms, Supporters, Motto, and Crown, with this Inscription round the same: SIG. PROVINCIÆ NOSTRÆ NOVÆ HAMPTONIÆ IN AMERICA. And our will and pleasure is, and wee doe hereby Authorize you and our Lieutenant Governor or Commander in Chiefe of our said province of New Hampshire for the time being, to fix the Said Seal to all patents and Grants of Lands and to all public Acts and Instruments of Government which shall be made [P. 254.] and passed in Our name within our said province, and that it be to all intents and purposes of the Same force and Validitye as any former Seal appointed for the publick use of the Government in our Said province hath heretofore been: And wee further will and require you, upon the receipt of the Said Seal, to Cause the former Seal to be Broke before you in Council, and then to transmitt the Said former Seal Soe broken to our Commissioners for Trade and Plantations, to be laid before us in Council as Usual.

Given at our Castle of Windsor, the 29th day of October, 1709, in the Eighth year of our Reign.

By her Majties Commands,
SUNDERLAND.

Voted unanimously, that there be an Address of thanks to her Majestie for her Majesties Favours to all her good Subjects in New England, to be drawn in forme and Sent by the first Conveyance. And that the Said Addresse be laid

before the General Assembly at their next Sessions for their Concurrence therein.

Ordered that the Secretary Issue forth proclamation to the Several Towns of this province in his Excellency's the Governour's Name, for the encouragement of Volunteers upon an Expedition for the Reducing port Royal. And that the Said proclamation be according to the forme of that in the Massachusetts Government, And that the Said proclamation be read publikely by the Secretary, being in hæc verba Sequen :—

By his Excellency, Joseph Dudley Esq. Governor and Commander in Chiefe of her Majesties province of New Hampshire, in New England.

A PROCLAMATION.

[p. 265.] Whereas her Majestie has been Gratiously pleased to Order an Expedition for the Reduceing of port Royal in Nova Scotia, and has Ordered Several of her Majesties Shipps of War, Marines, and Warlike provisions and Stores from Great Brittaine (which are happily Arrived) for that Service; withall Commanding the Service of her Majesties good Subjects, in this and her Majesties other provinces and Colonies, thereto, and has been Gratiously pleased to appointe and Constitute the Honourable Francis Nicholson to be General and Commander in Chiefe of the Said Expedition:

In obedience therefore to her Maj^ties Said Commands, I doe hereby perticularly and Especially invite all those Soldjers who bore her Majesties Arms the last year, for the then intended expedition, to come and take upp the Arms they then bore, And enlist for the present expedition; And for the encouragement of them and other her Majesties good Subjects able Body^d Effective men Voluntarily to offer and enlist themselves in her Majesties Service for the said Expedition:

I doe, by and with the advice of the Council and Assembly, assure them that they Shall have two Commission officers of this province in each Company, And that upon the Reduction of port Royal and other the French Settlements in Nova Scotia, or that the expedition thither be determined,

all the Companys of this province Shall be Allowed to Returne Imediately, except Such as shall be volunteers,—for any other Service for Garrisoning or otherwise.

That all Volunteers in the service Shall have a Coat of thirty Shillings Value given them, One months wages Advanced, and paid to them before their embarqueing. That they Shall bear the Queens Arms & enjoy them for their own for ever of her Majesties Royal Gift:

[P. 266.] That they Shall be exempted from all Impresses for three years next coming after their Returne—excepting Scouting near the Garrison to which they belong, watching warding, &c.

Given at Portsmouth the 14th day of August 1710, in the Ninth year of the Reign of our Soveraign Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c.

J. DUDLEY.

By Order of His
Excellency with
Advice of the Council
Chas. Story, Secretary.

God Save the Queen.

Adjd till Fryday 9 o Clock ante meridiem.

Province of New Hampshire.

Att a Council held at Portsmo. by Adjourt on Fryday, the 18th day of August, 1710.

Present

The Honble John Usher, Esqr Lieut. Governour,

Samuel Penhallow } Esqs.
Mark Hunkin }

His Honor the Lieut. Governr was pleased to say that the occasion why the Council were adjourned to this day; that it might be expected the Force Sent out agt the enemy last Wednesday night, would return by this time, And Seeing they are not, His Honor Adjd the Council till Wednesday next 10: of the Clock, ante meridiem.

[P. 267.] Province of New Hampshire.

Att a Council and General Assembly held at Portsmouth, on Thursday, the 20th September, 1710.

Present.

Major Wm Vaughan, Saml Penhallow, John Plaisted, Mark Hunkin } Esqs.

Ordered, that the Secretary Issue forth proclamations to the Several Ministers of this province for a General Fast to be kept on Thursday, the 28th Currant, throughout this province in hæc verba Sequen:

A Proclamation for a General Fast.

Her Majesties Forces being now embarqueing on the designed expedition for the Reduceing port Royal &c, an affair of the last Consequence to these her Majesties plantations; And it being our Commanded Duty in all our wayes to acknowledge God that he may direct our paths, Soe especially in Military Expeditions, that the Lord of Hosts may goe forth with our Troops and Fight the Battle for us:

I have therefore thought fitt by and with the Advice of her Majesties Council, and at the motion of the Assembly in their last Session, to Order and appointe Thursday, the twenty eight day of September Currant, to be Observed a day for publick Fasting & prayer throughout this province; Strictly forbidding all Servile labour thereupon, And exhorting both Ministers and people religiously to attend the same in their respective publick Assemblies, and with Sincere humiliation, for penitent Confession of sinn and Fervent Supplications, humbly to Address Almighty God who is Stiled a Man of Warr, for his most Gratious presence and Conduct to and with the Arms of our Soveraigne Lady the Queen, in Conjunction with those of Her Allies in the present Campaigne in Europe, as alsoe to and with the Honourable the General, the officers and Troops in the expedition from hence; with whome alone it is to give victory and Success:

[P. 268.] That this long Calamitous Warr may Speedily be brought to a happy period, and Issue in a well-Grounded lasting peace to her Maj[ties] Kingdoms and Territories, and

to all Europe; Especially for Restoring of Liberty to all the Oppressed and a free Exercise of the true Christian Religion in those Nations where it has been Suppressed by Horrible and Barbarous persecutions:

That our Most Gratious Soveraigne Lady the Queen may long live, the Royal person and Government be preserved and Defended from all Evil designes and Attempts of wicked and unreasonable men; That her sincere Services done for God and his Church upon Earth may be Gratiously rewarded with a Crown of Immortal Glory.

Given at Portsmouth the 21st of September, 1710, in the Ninth year of the Reign of our Soveraigne Lady Anne, by the Grace of God of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c.

By Order of the Governour by and with Advice of the Council. } J. DUDLEY.

GOD SAVE THE QUEEN.

CHA. STORY, Secretary.

[P. 269.] Province of New Hampshire.

Att a Council held at Portsmouth the Third day of October, 1710.

Present.

Major Wm Vaughan, Robert Ellott, } Esqs. Richd. Waldron, Saml Penhallow, } Esqs.

Mr. Treasurer Penhallow P'sonally appearing before this Board made oath to the truth of his Account of Debt and Creditt for the years 1709, & 1710, Amo in the whole to 2124lb: 1s: 2d, the balance due to him remaining being 8lb: 9s. 8d.

Mr. Treasurer alsoe made oath to another Acct. for the year 1710; Amo to 3049, 9, 0, the Ballance due to the province 119lb, 7, 4, off which Accounts; Mr. Elliott, Major Vaughan and Capt. Hunkin as a Committee Chosen by the Governor and Council, Examd Said accts both of Debt and Creditt, and approved of the Same as they Reporte to this Board.

[P. 270.] Province of New Hampshire.

Att a Council held at Portsmouth the 20th October, 1710.

Present.

Major Wm Vaughan, Robert Elliott, } Esqs. Saml Penhallow, John Plaisted, } Esqs.

Mark Hunkin.

Ordered, that Mr Secretary Story Issue forth Several proclamations for a General Thanksgiving throughout this province, to the Several Ministers in the Said province to publish the Same in their Several Meetings, in hæc verba Sequen:

A Proclamation for a General ———.

By His Excellency Joseph Dudley, Esq. Capt. General and Governor in Chiefe in and over her Majesties provinces of the Massachusetts and New Hampshire, in New England.

It having pleaced Almighty God Gratiously to favour us with Signal instances of the Smiles of his merciful providence and presenting Blessings of Goodness in the present year, particularly in a General health putting a Stopp to the Spreading of Infectious Mortal Sicknesses when brought in from abroad; In Granting a very plentifull Harvest after Awfull threatnings of pinching Scarcity by an early Scorching Drought; In prospering Her Majesties Brittish troops in Conjunction with those and of this and the Neighboring Governments under the Command of the Honorable General Francis Nicholson in the late Important Expedition from hence, delivering upp the Enemy and their Strong Hold into the hands of her Majestie's Forces with Soe little Effusion of Blood, and returning them in Safety, and Granting soe many Glorious repeated Victories to her Majesties just Arms with those of Her Allies Over the Common Enemy in Europe: [P. 271.] All which and many other undeserved mercies, not enumerated by us, under the highest Obligations of Duty and Gratitude to our most Gratious God the Father of all mercies from whome we have received these and all other Blessings in Answer to prayer, And to him Alone be the Glory:

I have therefore thought fitt by and with the Advice of

her Majesties Council, at the Concurrent desire of the Assemblie in their present Sessions, to order & appointe a publick and General Thanksgiving throughout these provinces of the Massachusetts Bay and New Hampshire, upon Thursday the Sixteenth of November next, to Celebrate the praise of Almighty God;—Exhorting both ministers and people in their Respective Assemblies to Glorifie God by offering upp Sincere & Hearty praises to him; withall praying that wee may be helped by Grace to Order our Conversations Aright, that Soe wee may see more of his Salvation. And all Servile labour is hereby forbidden upon the day aforesaid.

Given at the Council Chamber at Portsmouth, the 28th day of October in the ninth year of the Reign of our Soveraigne Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c.

J. Dudley.

By Order of his Excellency the Governour with the Advice of the Council.

Cha. Story, Secretary.

God Save the Queen.

[p. 272.] Province of New Hampshire.

Att a Council held at Hampton, on Friday, the 10th of November, 1710.

Present.

The Honble John Usher, Esq., Lieut. Governour.

Samuel Penhallow, John Plaisted, } Esqs. John Plaisted [?] Mark Hunkin, } Esqs.

His Honour the Lieut. Govern^r made the following Speech in hæc verba Sequen:

Gentlemen: Upon Application from the Sundry Governments Her Majestie was Gratiously pleased to send Sundry Forces under Command of the Honourable Francis Nicholson, Esq., Genl for Reducing port Royal &c. God having Granted him Wisdom, Courage, Conduct and Noble Generous Spirit, attended with Great Christianitye in his under-

takings, whose management by blessing of God, That success in takeing Fort, Att port Royal without Shedding much blood, beyond expectation, alsoe care taken by him for Securitye of Her Majesties Subjects in these parts, in sending to Canada to prevent any further Assaults by Indian Enemy[s] on these parts;—for all which Judge due thanks of acknowledgement ought to be returned.

The General Assembly in Massachusetts Government now Sitting, where his Excellency the Governours presence is absolute necessary, that in person he could not be in this Government to give the General a Reception:

I am come, being glad of this occasion, and lett you Gentlemen Know if there be any need of making any further Application to Her most Gratious Maj[tie] for any further Favours on behalfe of this Her Government, Shall readily Joyne with you, And be Glad of Imbracing this Opportunity by General Nicholson, craving his Favour in promoting Same, which I recommend to your Consideration.

JOHN USHER.

[P. 273.] Ordered that General Nicholson be received at M[r] Wingetts in Hampton, at the Charge of the Government.

In Answer to the Lieut. Governours Speech, the Gentlemen of the Council accquainted him: That when his Excellency the Governour was last here there was an Address of thanks to her Majestie Signed by his Excellency, Council and Representatives, relating to the late Expedition to port Royal, under the command of the Honourable General Nicholson and the Success thereupon.

Adj[d] till to-morrow morning 10 a Clock.

Province of New Hampshire.

Att a Council held at Hampton, by Adjournm[t] on Saturday, 11th of November, 1710.

Present.

The Lieut. Governour.

Samuel Penhallow, John Plaisted, } Esqs. Richard Waldron, Mark Hunkin, } Esqs.

His Honour the Lieut. Governour, was pleased to make the following Speech in hæc verba Sequen :

Gentlemen : General Nicholson being Invested with the Queen's Commission, and having Served this Countrey with Glorious Success against our publick Enemy, did Judge proper, that with my Selfe you Should be here to pay him due respects into this her Maj^{ties} Government, have rec^{d} Acc^{ts} from Mr. Penhallow from Newberry, of uncertainety of his coming in here :—I doe Adjorn you to Monday next at tenn of the clock in the Forenoon, being 14th instant, unless you hear further from me.

[P. 274.] The following letter was read at this Board, viz :

Newberry, Novr 10th, 1710, at 8 at Night.

May it please yor Honour,—In obedience to your Honours Commands I made the most diligent Inquiry I could respecting the General who is said to lodge the last night at Marble Head, And this Night expected at Salem, where it is said the principle Gentlemen of that Town doe waite to entertaine him ; Major Sumers says, that by what he cann learn he will not be here till Monday, and seems to be confident that he will not Reach New Hampshire this week ; for that as he is ordered to waite upon him with his Troop, he hath not yett received the least Advice.

Some Gentlemen of York that were bound Home, who past me in the Dark, were said to Confirm the above written.

I am sorry I cannot give yor Hon^{r} a more particular and certaine Acc^{t}. I respectfully Salute both you and the Gentlemen and remaine S^{r}.

Your Hon^{r} most Obedient Servt,
SAML. PENHALLOW.

In Her Maj^{ties} Service.
To the Honble John Usher, Esq.,
Att Hampton.

The following is a copy of a Letter sent Genl Nicholson :

Hampton, 11th of November, 1710.

May it Please yor Excellency : Wee, as in duty bound, hearing of your comeing for Piscataqua in Order to take your passage in her Majesties Shipp Norwich, did come to

Hampton, and two days there waited to attend your Excellency to Portsmouth, where you will meet with a Welcome reception; but hearing that you were to lodge last night at Salem, Returned about four a Clock this afternoon to Piscataqua againe; Wee humbly pray the Favour of your Excellency to accquainte the Bearer to express a message to the Lieut. Governour when you Arrive at Hampton, that wee may be Apprized of your coming into the Province, That wee may further Shew our Duty, &c.

Wee are your Excellency's most Humble Servants.

By Order of the Council,

CHA. STORY, Secretary.

Province of New Hampshire.

Att a Council held at New Castle, on Tuesday, the 14th of November, 1710.

Present.

His Honour the Lieut. Governour.

Robert Elliott, Sam[l] Penhallow, } Esqs. John Plaisted, Richard Waldron, Mark Hunkin, } Esqs.

Having Notice that General Nicholson is Arrived at Hampton,

Ordered, that the Gentlemen of the Council be ready to receive him at the Council Chamber in Portsmouth, upon his first comeing to Town.

[P. 276.] Province of New Hampshire.

Att a Council held at Newcastle, on Friday, the 17th of Nov[r], 1710.

Present.

The Honourable the Lieut Governour.

Robert Elliott, Saml Penhallow, } Esqs. John Plaisted, Richard Waldron, Mark Hunkin, } Esqs.

His Honour the Lieu[t] Govern[r] was pleased to make the following Speech, in hæc verba Sequen:

Gentlemen: Occation of your Several meetings was for paying respect to General at his reception; I finde in 1707 an Address to her Majestie for small Armes for the Fort. If you will Joyne with me will send a New Address to Her Majestie for Small Arms and a Flagg for the Fort, Craveing the Generals Favour for obtaining the Same.

Am Sensible, Gentlemen, as well as your Selves, the Province Great charges; if you please by this Conveyance will make Application to her Majestie for a Company of Soldjers for the Fort; the Same will be an Ease to Charge of Province, and likewise a great Securitye to the place, And great for her Majesties Service, and benefit to the Province, offer to your Consideration.

JOHN USHER.

The Council In Answer to the Honourable the Lieut Gov. ernour's Speech, are of Opinion that all such Addresses as are mentioned in the said Speech, should be laid before the General Assembly, and have their Concurrence with the Governour's Approbation of the same.

[P. 277.] Thomas Packers Debenter Am° to 9. 0. 0. for Entertaining His Excellency General Nicholson, Lieut. Governor & Council, &c. on Thursday the 16th Currant, being a day of Thanksgiviug for the success of Her Majesties Forces at port Royal, was read at this Board and Approved off, And Ordered to be paid out of the Treasury.

Province of New Hampshire.

At a Council held at Portsmouth the 21st of November, Anno Dom. 1710.

Present.

The Honourable John Usher, Esq. Lieut. Governour.

Wm. Vaughan, Samuel Penhallow, } Esqs. John Plaisted, Richd Waldron, } Esqs.

His Excellency Lieut. Governour made the following Speech, in hæc verba:

Gentlemen.

It is of Great Necessity to Raise money for payment of your Debts, and if you think fitt I will call the Assembly now while here and Stay and dispatch things, or call them to Sitt at Christmas and will then be here, and at all times shall be ready to be present in the province for Her Majesties Service.

Whereas Anthony Brackett, Ma^r of a Sloop, has Informed his Honour the Lt. Governour that he has on Board Several Stores of Warr for this province,

Ordered that Capt. Walton, Commander of the Fort Wm. and Mary, receive the said Stores, and that Mr. Treasurer pay the said Anthony Brackett accustomary Freights out of the Treasury.

His Honour the Lt. Governour made the following Speech to the Council.

Gentlemen.

I have Consented your Expences to be at the Charge of the province, my Expences being out of my own pockett; recommend care to be taken as to the Queens Commission.

Answer, the province poor, the money in the Treasury could doe nothing.

Several memorials, Order of Councill of Warr relateing to the plunder, &c. at port Royal was read, being sent to this Board by General Nicholson, to remaine upon file in the Secretaryes office.

In Answer to his Honour the Lieut. Governour's first Speech, the Council accquainted his Honour that his Excellency the Governour, when last here, had taken care with the Assembly that the Debts of this province might be justly paid in a short time, and the Council are of Opinion the same will be effected accordingly.

His Honour was pleased to ask Mr. Waldron by what Authority he satt at this Board as a Councellor.

Richard Waldron, Esq. Answered the Lieut. Governour, that he was admitted as a member of this Board by his

Excellency the Governour, pursuant to her Majesties Mandate which was of some years Standing.

Then the Lieut. Governour asked Mr. Secretary Story if he had received Sr Charles Hedges warrant with the Royal Signett.

Answered he never See any.

Then his Honour the Lieut. Governour was pleased to suspend Richard Waldron, Esq. as being one of the members of Her Majesties Council here, till Her Majesties pleasure was Known therein.

Mr. Waldron then repeated his Answer over againe, saying he should not take notice but would waite the Governours Instructions about the same ; in the Interim took his leave of his Honour and departed, desireing it might be entered.

His Honour said he departed Saucely with his Hatt on.

[P. 276.] Province of New Hampshire.

Att a Council held at Portsmouth, on Thursday, 23^d November, 1710.

Present.

Peter Coffin,	Esqs.	Saml. Penhallow,	Esqs.
Major Wm. Vaughan,		Jno. Plaisted,	
Robert Elliott,		Mark Hunkin,	

His Excellencys letter of the 14th November, 1710, was read at this Board in hæc verba Sequen.

Gentlemen. I have represented you as well as I cann at Whitehall, and directed Mr. Newman to whome I have covered your two Addresses, to keepe the New England Agent Company in the delivering of them to her Majestie, and to doe you all the Service in his power until the Arrival of your Agent, if you send any. And therefore desire you to make a minute of Council (if soe you see meet) to Mr. Treasurer Penhallow forthwith to send Mr. Newman a Bill

of Exchange for twenty pounds sterling to Bear his Expences, by the Shipps now goeing.

I am Gentlemen

Your humble Servt,

To Mr. Secretary J. DUDLEY.

Story to be Communicated
to the Council.

Direct to Henry Newman, Esq. at my Lord Almoners Lodgings, Whitehall.

Ordered, that Mr. Treasurer Penhallow Send by the ffleet now ready to saile for Great Brittaine, A bill of Exchange for Twenty pounds to Henry Newman, Esq. at his Lodgings at Whitehall, in order for bearing his Expences about Attending her Maj^tie^ with two Addresses &c. from this province.

[P. 280.] Province of New Hampshire.

Att a Council held at Portsmouth, the Second day of December, 1710.

Present.

Peter Coffin, Wm. Vaughan, } Esqs. Saml. Penhallow, John Plaisted, Mark Hunkin, } Esqs.

His Excellencys letter was read at this Board, in hæc verba sequen.

Boston, Nov. 27th, 1710.

Gentlemen. I understand the Cannon and Stores borrowed by Capt. Forbes for the port Royal Expedition are returned to an Article. I desire you to restore them particulerly to the several places and Stores from whence they were taken.

You will call them over by the Indent the Engineer left when he received them, that the next Account to the Board of Ordnance may be perfect, as I am Comanded.

By my former Order you are a Standing Committee for Her Majesties Stores, and it was a mistake to Order, as I See in the minute of Council, that any body else should

receive them but your selves. I pray you to Sett the matter right as I have herein directed.

I Order this letter and your proceedings thereupon to be entered in the Council Book; and that Mr. Secretary write me that he has this letter to be entered accordingly.

I am your humble servant,

J. DUDLEY.

To Major Vaughan, Mr. Penhallow, Mr. Hunkin, } Committee for her Majesties Stores of Warr in the province of New Hampshire.

To the Honourable Wm. Vaughan, Esq. to be Comunicated.

J. Dudley. Portsmouth.

[P. 281.] Province of New Hampshire.

Att a Council held at Portsmouth, on Thursday, the 29th of March, 1711.

Present.

Major Wm. Vaughan, Robert Elliott, Saml. Penhallow, John Plaisted } Esqs.

His Letter of the 19th of March inst. relateing to a publick Fast, as upon file, was read at this Board.

Ordered, that Thursday, the 12th of April next be a day of publick Fast throughout this province, and that the Secretary Issue forth proclamations to the Several Towns according to the Heads of the Massachusetts proclamation, for a General Fast the same day.

His Excellency's letter of the 26th Currt was read at this Board relateing to a Scout to be Sent into the woods, as upon file, after the enemy.

Ordered, that Major Smith Raise forty men forthwith to be sent as a Scout abovementioned, and to gett some able person to Command the Said Scout, and that he attend Mr. Treasurer Penhallow for provisions for the said Scouts;—

who is hereby ordered to provide the same at the province Charges.

Ordered, that Mr. Treasurer Penhallow advance thirty shillings to Major Smith for to bear his and six troopers charges, now going to Raise the said Scout.

[P. 282.] Province of New Hampshire.

Att a Council held at portsmouth, the 20th of July, 1711.

Present.

Peter Coffin, Wm. Vaughan, Nath. Weare } Esqs. Saml. Penhallow, John Plaisted } Esqs.

Whereas Information is made to his Excellency the Governor by General and Admiral Walker, that Several Soldjers and Sailors has deserted her Majties Service, &c.

Ordered, that Major Joseph Smith Imediately Issue forth his Orders to the Several Capts. of the Militia of this province, that they and their Several officers with Soldiers doe Imediately make Deligent Search in the Several Towns, Districts and Villages within this province, for such Deserters, And to cause them and all Travellers that are Strangers, and other persons not Known, to be taken upp and Carryed before the next Commission Officer Civil or Military, to be examd; and in Case they give noe Satisfactory Acct of themselves and Business, then to be Returned to Boston under a Guard, to be further Examd by His Excellency the Governour, or Some of Her Majties Councill; And further that the Secretary forthwith Send an Order from this Board to the Commander of Her Majesties Fort Wm. and Mary, that he Cause all Sloops or other Vessels to be frequently Searched for Such Deserters, till further Order, and any person soe on Board that shall refuse to give a Satisfactory Acct. of themselves, such Deserters are to be

brought before some of Her Majesties Council or Justice of the peace within this province, to be further Examd, &c.

Ordered, that there be a publick Fast kept throughout this province the same day that it shall be kept in the Massachusetts Government, and that the Secretary Issue out the proclamations as foll. viz — [p. 283.]

By His Excellency, Joseph Dudley, Esq.

Captaine General and Governour in chief in and over Her Majesties province of the Massachusetts Bay, and New Hampshire, in New England, in America.

A Proclamation for a General Fast.

Upon Consideration of the Vast Importance of the preparations making for a Vigorous Carrying on the Warr in Europe, this present Summer, and the Great Expedition now Setting forward in these parts by her Majesties Especial Command, with her Majesties Land and sea forces from Great Brittaine, and the Addition of Some of Her Majesties Troops of these provinces Under the Command of his Excellency General Hill in Chiefe of the Said fforces, & the Honourable Lt. Hovenden Walker on the Sea part, and the Hon'ble Lt. General Nicholson on the Inland part.

I have thought fitt with the Advice of Her Maj'ties Council, and at the Desire of the Representatives, to appointe a General Fast upon Thursday, the 26th of July Currant, And upon Thursday the 30th of August next following, and to be continued upon the Last Thursday in Every month during the Expedition, Strictly forbidding all Servile Labour thereon, And exhorting both ministers & people in their Respective Assemblies on the Said dayes, with Humble penitential Confession of Sinn and Sincere fervent Supplications to Almighty God, to Implore Mercy for protection of Her Majesties Sacred person, prosperity to Her Just Arms every where, and particularly in the present Important Expedition, that Divine Conduct may be Granted to his Excellency the General, and the Honourable the Admiral, with Her Majesties Forces under their Command.

Given at the Council Chamber in Portsmo the 20th day of July, 1811, In the 10th year of the Reigne of Our Soveraigne Lady Anne, by the Grace of God, of Great Brit-

taine, France and Ireland Queen, Defender of the Faithe, &c.

J. DUDLEY.

By Command of His Excell. with Advice of ye Council.

CHAS. STORY, Secretary.

God Save the Queen.

[p. 284.] Province of New Hampshire.

At a Council held at Portsm^o on Friday, the 28th of September, 1711.

Present.

Major Wm Vaughan, Saml Penhallow, } Esqs. John Plaisted, Mark Hunkin, } Esqs.

Ordered, that there be a publick ffast Kept throughout this province on Thursday, the 11th day of October next, and that the Secretary Issue forth a proclamation to the Several Towns in manner foll. viz:

By His Excellency Joseph Dudley Esq., Captaine General and Governour in Chiefe in and Over Her Majesties provinces of the Massachusetts Bay and New Hampshire, in New England.

A Proclamation for a General Fast.

Whereas, upon the 16th day of July last, a proclamation Issued for the Observation of a monthly Fast during an Important Expedition then Setting forward, The next day in Course appointed for that Service being Thursday the twenty Seventh day of September Curr^t, And the Circumstances of that Expedition being Since Altered, Intelligence being Arrived of an Awfull Rebuke of Heaven on part of the Fleet; for which we ought to be Deeply Humbled before God:

In Consideration whereof and the Just concerne wee ought to have for the Land and Sea forces in the Service:

I have thought fitt by and with the Advice of Her Majesties Council to Remove the Said General Fast from the twenty Seventh of this present month of September, to

Thursday the Eleventh day of October next coming, Earnestly Recommending the due Observation thereof to the Ministers and people throughout this province, with a becoming Selfe Abasement and Devotion and Sincere Confession of Sinn Joyned with ffervent Effectual prayer, [p. 285.] Humbly to Implore the Divine Mercy to our Soveraigne Lady the Queen, Her Kingdoms and Just Arms, To Her Majesties officers and forces in Service within these Her Majesties Northern plantations; And for all Needfull Blessings Spiritual and Temporal to be Gratiously Bestowed upon the poor, Afflicted and Distressed people of these plantations; And all Servile Labour is forbidden upon the said day.

Given at the Council Chamber in Portsmouth the twenty Eighth day of September in the tenth year of the Reigne of our Soveraigne Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queene, Defender of the faith, &c.

J. Dudley.

By Order of the
Governour with the
Advice of the Council.

Chas. Story, Secretary.

God Save the Queen.

[p. 286.] Province of New Hampshire.

Att a Councill held at Portsmouth, the 15th of November, Anno Domini, 1711.

Present.

Major Wm. Vaughan, Richard Waldron, } Esqs. Saml. Penhallow, John Plaisted, Mark Hunkin, } Esqs.

Ordered, that the Secretary Issue forth proclamation to the Several Towns of this province that a day of publick Thanksgiving be sett a part throughout this province, on Thursday, the 29th Currt. And that the proclamations be in hæc verba sequen:

By His Excellency Joseph Dudley Esq. Captaine General and Governour in Chiefe of Her Majesties province of Massachusetts Bay and New Hampshire, in New England, &c.

A Proclamation for a Publick Thanksgiving.

Amidst the Various Awfull Rebukes of Heaven wherewith we are Righteously Afflicted in the late disappointment of an Important Expedition (1), attended with soe many Smiles of providence in the beginning and progress thereof, and promising Hopes of Success; in the late Dreadfull Desolations by Consuming Fire and other Calamities (2), which demand our Deepest Humiliations and Contrition of Heart;

We are still under the Highest obligations of Gratitude for the many Instances of Divine Goodness in the favours Vouchsafed, particularly for the preservation of our most Gratious Soveraigne Lady the Queen; The prosperous Success of Her Majesties Just Arms in Europe; the Seasonablenesse of the Weather in the Summer past; the plentifull Harvest, the Great Measure of Health, the preservation and Safe returne of the Forces of these provinces, The Restraints of the Enemy and many other Undeserved Blessings Spiritual and Temporal, not to be enumerated.

[P. 287.] I have therefore thought fitt with the Advice of Her Majesties Council, and at the desire of the Representatives in their present Session to Order and appointe Thursday, the twenty Ninth day of November Currant, to

(1) The expedition against Canada, besides the land forces under Gen. Nicholson, consisted of a "Fleet of 68 vessels, commanded by Sir Hovenden Walker, and having on board 6463 soldiers. The fleet sailed on the 30th of July, and arrived at the mouth of the St. Lawrence on the 14th of August. In proceeding up the river, the fleet, through the unskillfulness of the pilots, and by contrary winds, was in imminent danger of entire destruction. On the 22d August, about midnight, the seamen discovered that they were driven to the north shore among rocks and islands. Eight or nine of the British transports, on board of which were about 1700 officers and soldiers, were there cast away, and nearly 1000 men lost. Upon this disaster, the admiral bore away for Spanish River bay, at Cape Breton, where a council of land and naval officers, in consideration that there was but ten weeks' provision for the fleet and army, and that a seasonable supply from New England could not be expected, judged it expedient to relinquish the design. The Admiral sailed directly for England; and the provincial troops returned home. General Nichsolson, who had advanced to Lake George, hearing of the miscarriage of the expedition on the St. Lawrence, retreated with the land army, and abandoned the enterprise." *See Holmes Ann.*, Vol I., p. 595; also *Farm. Belk.*, pp. 180–181, and *Pehhallow's Ind. Wars*, Coll. N. H. Hist. Soc. Vol. I., pp. 72–76.—Ed.

(2) On the 2d October, 1711, a fire broke out in Boston, near the centre of the town, and consumed all of the houses on each side of the main street, from School street to the foot of Cornhill. Besides the buildings in Cornhill, "all the upper part of what is now called State street, on the north and south sides, together with the town house, was burnt." *Holmes Ann.* Vol. I., p. 505.—Ed.

be Celebrated as a day of publick Thanksgiveing throughout this province ; Strictly forbidding all Servile Labour thereon, and Exhorting all Ministers and people in their Respective Assemblies on the Said Day, To offer upp Humble and Sincere thanks to Almighty God for His many Favours as aforesaid, and other Blessings bestowed upon a Sinfull people.

Given at the Council Chamber at Portsmouth the fifteenth day of November, 1711 ; In the tenth year of the Reigne of our Soveraigne Lady Anne, by the Grace of God of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c.

J. DUDLEY.

By Order of the Governor
with the Advice of the Council, and
at the Instance of the Representatives.

Cha. Story, Secretary.

God Save the Queen.

Province of New Hampshire.

At a Council Held at Portsm° on Thursday, the 10th January, Anno Domini, 1711.

Present.

Wm. Vaughan,	Esqs.	Saml. Penhallow,	Esqs.
Rich. Waldron,		John Plaisted,	
Robert Elliott,			

Mark Hunking, Esq. one of the members of Her Majesties Council in this province, his name was this day at this Board Incerted in the Commission of the peace, who took the oathe of a Justice of the peace, as also the oathe appointed by Law, &c.

[P. 288.] Province of New Hampshire.

Att a Council Held at Portsmouth, on Friday, the 22d of February, Anno Domini, 1711.

Present.

Major Wm. Vaughan,	Esqs.	Saml. Penhallow,	Esqs.
Richard Waldron,		John Plaisted,	
Robert Elliott,		Mark Hunking,	

Ordered, that the Secretary Issue forth proclamation to the Several Towns of this province, that a day be Sett apart throught the Said province for a General Fast, and that proclamation goe forth in the method following:

By His Excellency Joseph Dudley, Esq. Capt. General and Governour in Chiefe in and Over Her Majesties provinces of Massachusetts Bay and New Hampshire, in New England.

A Proclamation for a General Fast.

Upon Consideration of the Various Rebukes of Heaven wherewith it has pleased the Holy God to manifest his Just Anger against us; Particularly in ffrustrating the Chargeable and Hopefull Expedition in the Summer past, and Since in the Awfull Desolations made in the Town of Boston by Consuming Fire; And the Great Mortalitye in the Neighbouring Governments; Considering alsoe the Vast Importance of the Councils and Resolutions that may be now takeing in Europe for the further prosecution of the long Calamitous warr, or of Overtures for peace; And the Influences they may have upon Her Majesties provinces; All which demand our Deep Humiliation, with ffervent Supplications to Almighty God, who Orders all things in Infinite Wisdom and Council:

I have therefore thought fitt by and with the Advice of Her Majesties Council, to [P. 289.] Appointe and Order a General Fast to be Observed throughout the province, upon Thursday, the thirteenth day of March next, for the Afflicting our Souls before God in humble penitential Confession of Sinn, Joyned with Ardent ffervent prayer; Humbly Imploring the Divine Mercy for Spiritual as well as Temporal Blessings, Particularly for the preservation

of her Majesties Sacred person, For Direction to Her Councils, and prosperity to Her Just Arms, And Her Favorable regards towards Her Good Subjects of this province and the Government thereof; For protection and Defence from our Enemies, Continuance of our Own, & Restoreing Health of our Neighbours, And for Restoreing our Wastes made by ffire; For a Suitable Seede time in the Advanceing Spring, And a Blessing on the Fruits of the Earth in the Summer following; For the prosperity of the Church of God, That peace and Truth may be Established in the Earth, And that all the Kingdoms of this world may become the Kingdoms of our Lord and Saviour Jesus Christ. Hereby forbidding all Servile Labour on the day aforesaid.

Given at the Council Chamber in Portsmouth the 22d day of February, in the tenth year of the Reigne of our Soveraigne Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queen, Defender of the faith, &c.

J. Dudley.

By Order of His Excellency with the Advice of the Council.

Cha. Story, Secretary.

God Save the Queen.

[p. 290.] Province of New Hampshire.

Att a Council held at Portsmouth 6th June, Anno Dmi. 1712, Pursuant to his Excells. Letter 20th May, 1712.

Present.

Colonel Richard Waldron, of the Council.

Mr. Commissary General Penhallow, of the Council.

Mark Hunking, Esqr of the Council.

Lieut. Colonel Vaughan.

Richard Gerrish, Speaker of the Representatives, Assisted by Mr. Secretary Story.

The following letter was read at this Board, in hæc verba sequen:

By the packet from Whitehall which Arrived yesterday, I have Her Majesties Commands to dispose of the Arms sent last year for the intended Expedition to Canada, for the publick Service.

I doe therefor Hereby in Her Majesties Name command you, or the Major part of you, Soe many as cann be gott together, to demand and receive of Colonel Shadrach Walton, fifty fire Arms of Her Majesties Stores delivered to him the last year, And of Capt. James Jaffrey the like Number of fifty fire Arms, and See that they be such as they received at the intended Expedition to Canada; And give your receipt for them under your hand.

And then dispose fifty of them in the Fort at Newcastle, for Her Majesties Service, taking care that there be a suitable receipt for them, and take Colonel Walton and Capt. Attkinsons receipt for them accordingly.

The other fifty bring up to Portsmouth, and dispose them at Mr. Commissary Generals House or elsewhere, where you may Judge them more Safe and give me an Account of your proceeding herein, Annexed to a copy of this warrant, Mr. Secretary Story having first Entred this warrant, and your return and proceedings fairly in the Council Book.

[p. 291.] Given under my hand the 20th of May, Anno Domini, 1712.

J. Dudley.

To Colonel Richard Waldron of the Council.
To Commissary General Penhallow of the Council.
Lieut. Colonel Vaughan.
Mark Hunking, Esq., of the Council.
Richard Gerrish, Esq., Speaker of the Representatives, Assisted by Mr. Secretary Story.

6th June, 1712. Pursuant to His Excellency the Governours order of the 20th May last past, Received of the Committee appointed by his Said Excellency fifty fire Arms, which her Majestie was Gratiously pleased to send for the late Canada Expedition; I say recd. the said fire Arms into Her Majesties Fort at Newcastle, for the publick Service.

Shad. Walton.

Vera Copia, Attes. 6th June, 1712.

Per. Cha. Story, Secretary.

6th June, 1712. Pursuant to his Excellency the Governours Order of the 20th of May last past, Received of the Committee appointed by his Said Excellency, forty six ffire Arms, which Her Majestie was Gratiously pleased to Send for the Late Canada Expedition ; I say recd. the Said fire Arms into my Custody for the publick Service.

By Saml Penhallow, Commissary Genl.

Vera Copia. Attest, 6th June, 1712.

P. Cha. Story, Secretary.

[p. 292.] Province of New Hampshire.

Att a Council held at Portsmouth, the 30th of May, Anno Domini, 1712.

Present.

William Vaughan, Richd. Waldron, } Esqs.

Saml Penhallow, John Plaisted, Mark Hunking, } Esqs.

Ordered, that Mr. Secretary Story Issue forth proclamations to the Several Towns relateing to the Adjournment of the Courts, in hæc verba sequen.

To all persons whom it may concern :

These are to give Notice that the General Quarter Sessions of the peace to be held at Portsmouth, the third day of June next, And the Inferior Court of Pleas to be held there the fifth day of June next, Considering the present danger of the Enemy, (1) will be both Adjourned ; The Court of Sessions to Tuesday the fifteenth day of July next, And the Court of Pleas to Thursday, the Seventeenth day of the said July next Ensuing, and all persons concerned are desired to give their attendance accordingly.

(1) About this time the Indians renewed their hostilities. "In April, one Cunningham was killed at Exeter, Ensign Tuttle at Dover, and Jeremiah Crommet at Oyster River. A scouting party, who went up the river Merrimack, had the good fortune to surprise and kill eight Indians, without the loss of a man. The frontiers were well guarded," &c.. &c. See Penhallow's Ind. Warrs, in Coll. N. H. Hist. Soc., Vol. 1, pp. 80, 82, and also Farm. Belk.

The following Record from Mass. Legislative Journal, copied and furnished the Editor by Wm Little, Esq., of Manchester, relates to this period:

"Resolved, that the sum of Ten Pounds be allowed and paid out of the public

Given at the Council Chamber at Portsmouth the thirtieth day of May, in the eleventh year of the Reigne of our Soveraigne Lady Anne by the Grace of God of Great Brittaine, France and Ireland Queen, Defender of the faith, &c.

Annoque Domini, 1712.

By Order of the Council,

Cha. Story, Secretary.

[P. 293.] Province of New Hampshire.

Att a Council held at Portsm°, on Fryday, the 13th June, Anno Domini, 1712.

Present.

Major Wm Vaughan, Rich. Waldron, } Esqs. John Plaisted, Mark Hunking, } Esqs.

Her Majesties warrant, Dated the 14th February, 1711–12, Relating to the Swearing John Wentworth, Esq., a member

"Allowed to Thomas Baker & Company. } Treasury to Thomas Baker, commander of a company of marching forces in the late expedition against the Enemy at Coos and from thence to the west branch of the Merrimack River* and so to Dunstable, in behalf of himself and Company, for one enemy Indian besides that which they scalped which seems so very probable to be slain.

May, 1712. Consented to, J. Dudley."

"Wednesday, June 11, 1712.

"Additional allowance to Lieut. Thos. Baker & Company for scalps." } "Upon reading a petition of Lieut. Thomas Baker, commander of a party in a late expedition to Coos and over to Merrimack river, praying for a further allowance for more of the Indian enemy killed by them than they could recover or their scalps, as reported by the enemy themselves,

"Concurred with a resolve passed thereon, viz: That the sum of Twenty Pounds be allowed and paid out of the Public Treasury to the petitioner and Company.

Consented to, J. Dudley."

* Additional Note:—

"About the year 1720, Capt. Thomas Baker, of Northampton, in the County of Hampshire, in Massachusetts, set off with a scouting party of thirty-four men, passed up Connecticut river, and crossed the height of land to Pemigewasset river, [which is the west branch of the Merrimack]. He there discovered a party of Indians, whose Sachem was called Walternummus, whom he attacked and destroyed. Baker and the Sachem leveled and discharged their guns at each other at the same instant. The ball from the Indians gun grazed Baker's left eye brow, but did him no injury. The ball from Baker's gun went through the breast of the Sachem. Immediately upon being wounded, he leaped four or five feet high, and then fell instantly dead. The Indians fled to the river; Baker and his party pursued, and destroyed every one of them. They had a wigwam on the bank of the river, which was nearly filled with beaver. Baker's party took as much of it as they could carry away, and burned the rest. Baker lost none of his men in this skirmish. It took place at the confluence of a small river with the Pemigewasset, between Plymouth and Campton, which has since had the name of Baker's river."—*Farm and Moore's Coll.*, Vol. III, p. 100. [N. B. Perhaps the event above narrated relates to the foregoing period, 1712, instead of 1720.—Ed.]

of Her Majesties Council in this Province, was read at this Board, in hæc verba sequen.

ANNE R.

Trusty and Well beloved, Wee Greet you well; wee being well Satisfied of the Loyaltie, Integritye and Ability of our Trusty and well beloved John Wentworth, Esq., have thought fitt hereby to Signifie Our will and pleasure to you, that forthwith upon receipt hereof you Swear and Admitt him the Said John Wentworth to be one of our Council of that our Province of New Hampshire, in the Room and place of Winthropp Hilton, Esq., deceased; And for Soe doing this Shall be your Warrant, And Soe wee bidd you ffarewell.

Given at our Court at Saint James's the fourteenth day of February, 1711–12, in the Tenth year of our Reigne.

By Her Majesties Command,

DARTMOUTHE.

To our Trusty & well beloved Joseph Dudley, Esq., Our Capt. General and Governour in Chiefe of our province of New Hampshire, in New England, in America, and in his Absence to the Commander in Chiefe Or to the President of our Council of our said province for the time being.

John Wentworth, Esq., took the Oaths appointed by Law & Declared and Subscribed the Test and Declaration, As alsoe the oath of a member of Her Majesties Council of the province.

[P. 295.] Province of New Hampshire.

Att a Council held at Portsmouth, on Monday, the 7th July, 1712.

Present.

Wm. Vaughan,	Esqs.	John Plaisted,	Esqs.
Nath[l] Wear,		Mark Hunking,	
Rob[t]. Elliot,		John Wentworth,	
Sam[l] Penhallow,			

The papers brought here from a Special Sessions of three Justices of the peace within this Province, held the

fifth day of July currant, relateing to Benjamin Gatchels trading with the Indians at Lahane the first of June last, haveing been read at this Board, where [were ?] delivered into the hands of Benjamin Gambling, Clerk of the General Quar. Sessions of the peace, &c.

The petition of John Abbott relating to Benjamin Gatchel's Trading with the Indians, &c., was read at this Board, in hæc verba sequen :

Province of New Hampshire.

To the Honourable the members of Her Majesties Council for the Province of New Hampshire, now Sitting at Portsm° for said province, The petition of John Abbett, of said Portsmouth, Humbly Sheweth :

That your petitioner did Sometime Since Shipp himselfe and proceed in a ffishing Voyage with Benjamin Gatchel of Portsmouth aforesaid, and that on the first day of June last, being on board of the Barque Richard, of which the said Gatchel was Master at Anchor in the Harbour Le Hane*, Said Gatchel went ashore in a Canoe, bringing an Indian on Board with him, and leaving a white man in his Room and Traded with the Indian Exchangeing Biskett, Rumm and Cloaths for Bever Skinns, &c., promiseing to meet them another time, which your petitioner is ready to Depose upon oath ; And the other men belonging to the Said Barque, if put upon it cannot but doe the same ; whereupon your petitioner fearing to Runn the Hazard of such another Voyage, and refuseing to proceed with the Said Gatchel any longer, is detained in prison to his Great Hurt and detriment, from whence he makes this complaint ; And if any Debts, he is ready to pay, hopeing to receive some releife from your Honours, and that your Honours will put a Stopp to such unlawful practices.

JOHN ABBETT.

John Abbit appeared in Court and acknowledged the above Information to be exhibited at this Board by his Order, his wife haveing wrote his Name.

Cha. Story, Secretary.

* Or Le Have.

[P. 296.]

Ordered by the Council that the tenn Shillings ffine laid upon John Abbett by the Justices of the peace at their Special Court of Sessions, the third day of July, 1712, be Remitted, and that the rest of the Justices Judgments remaine good, as alsoe the ffine to the Queen.

Peter Legroe, a Fisherman, belonging to the said Barque Richard, being called was exam'd and Sworn as followeth:

You shall true Answer make to all Such Questions on Her Majesties behalfe as Shall be demanded of you, relating to an Information Exhibited at this Board by John Abbett against Benjamin Gatchell, for trading with the Indians at Lahane to the Eastward, to the best of your knowledge. Soe help you God.

Q. Whether did Benj. Gatchel goe ashoar at Lahane or not?

A. He knew not that he was ashoar, but he was Sometime out of the Vessell.

2d Q. Did you see any Enemy Indians on Board the Barque Richard, and who brought them aboard if any were?

Legroe Equivocated to this Question in his Answer, soe it was Ordered that the Secretary Imediately make a Mittimus to send him to Goal for not Answering according to the Tenor of the Oath Given him.

3d Q. Whether there was a Whiteman Sent ashoar in Exchange for the Indian that was on Board the said Barque?

A. There was a Whiteman Sent ashoar in Room of the Indian, but not by Mr. Gatchel, but from on Board of some other Vessells there.

James Leach, another Fisherman, being in the said Barque Richard, at Lahane, was sworn and exam[d] according to the tenor of the aforesaid oath.

And being exam[d] upon the first Question, Answered he did not know whether Mr. Gatchel was ashoar or not at Lahane, but see him in a Canoe going towards the Shoar: And being examined upon the Second Question, Answered that there was two or three Enemy Indians on Board the

Barque Richard, which came out of the Woods, and that John Jackson belonging to New Plymouth told him he had been ashoar againe, And that there was a Bear Skin and some other Skins, brought on Board the said Barque, and how many other skins he knows not; and further Sayth that there was a White Blankett put upp at the Ensigne Staff by Peter Legroe, one of the men belonging to the said Barque; And to the best of his knowledge, it was by Mr. Gatchel's Order; It being on a Sabbath day. And further Sayth that the Said Jackson told him that in the time of his being ashoar, an Indian took upp a Stone to Knock him in his Head; And the Said Jackson took upp another for his defence and than [then] the Indian would have Shott him as he believed, but a French man hindred him.

Abraham Bertlett being another ffisherman on Board the Said Barque being exam^d upon oath as aforesaid; To the first question [p. 297.] Answered, that he knew not that he was ashoar or out of the Vessell the whole day. To the Second Question he Answered, that he neither See or Knew any Indian Enemy or French on Board of the Said Barque at Lahane.

3d Q. Answered, that he knew not of any whiteman sent ashoar in Room of any Indian.

4th Question. doe you Know that Benjamin Gatchel ever Traded with the French or Indian Enemy this Summer at Lehane?

A. That directly or indirectly he knew nothing of any Such thing.

The petition of Peter Legro was read, as on file, and he ordered to be sent for out of Goal, and to be brought to this Board, who being further exam^d, Answered as followeth, viz. To the Second Question he Answered that he see one Strange Indian or French man on Board the Barque Richard, the first of June last, on a Sabbath day.

Q. of New: being asked who putt upp the white Blankett at the poop of the Vessell, by whose Order, and for what end?

A. He put upp the white Blankett, and he was Ordered by a person on board of a New Plym^th Vessell.

Q. doe you Know of any furrs brought in the Vessell or Barque Richard from Lehane?

A. There was a Bear Skinn, and two or three other Skinns, but what sort of furrs he knows not.

Ordered, that Peter Legroe be dismist, by paying his ffees.

Ordered, that Benjamin Gatchel give 500lbs Security to Answer to Complaint of John Abbett aforementioned, at Her Majesties Superior Court of Judicature, Court of Oyer and Terminer, and General Goal Delivery, to be held at Portsmouth the Second Wednesday in August next, or to Stand committed till the same be performed, and the Secretary take the Recognizance.

Benjamin Gatchel and Richard Wybird both of Portsmouth, in the Said province of New Hampshire, entred into Recognizance to her Majestie Joyntly and Severally in the Sume of five hundred pounds, according to the abovementioned Order.

Cha. Story, Secretary.

[p. 298.] Province of New Hampshire.

Att a Council held at Portsmouth, the 12th day of August, Anno Domini, 1712.

Present.

Major Wm. Vaughan,	Esqs.	John Plaisted,	Esqs.
Richard Waldron,		Mark Hunking,	
Saml. Penhallow,		John Wentworth,	

John Wentworth, Esq. one of the members of her Majesties' Council, was this day sworn a Justice of the Peace, and his name incerted in the Commission of the Peace, and took the accustomed oaths of allegiance and supremacy; and repeated and subscribed the Declaration and Association.

[p. 298.] Province of New Hampshire.

Att a Council held at Portsmo. the 28th day of Augt, 1712.

Present.

Wm. Vaughan, Saml. Penhallow, Jno Plaisted,	Esqs.	Mark Hunking, Jno Wentworth,	Esqs.

The Council being Informed by Capt. Prebble of York, that he Discovered Lt. Banks of the same place, who had been at Casco Bay Last Saturday, and there the Said Banks understood that there were four hundred Indians had marched Six days before towards this & the Massachusetts Government, and that there then in and about Cascoe Bay, forty Indian Canoos with a number of Indians, intending as supposed, some ill Designe, but where they might attempt, not known.

The Council therefore directs that Capt. Walton, Comandr of her Majesties fort Wm. & Mary, fire one sacre* Gunn next to the maine Sea every morning about thre of the clock, for twelve Days following, unless further order to the contrary.

[p. 299.] Province of New Hampshire.

Att a Council held at Portsmouth, the 31st day of August, Anno Dom. 1712.

Present.

Wm. Vaughan, Richard Waldron, Saml. Penhallow,	Esqs.	John Plaisted, Mark Hunking, John Wentworth,	Esqs.

Ordered, that an Embargoe be sett upon all vessells as well as fishing sloops or shallopps; (coasting sloops alias Deale Boards weavers [?] only excepted.)

* A small piece of artillery.—*Web. Dic.*

Ordered, that Capt. Hunking fitt out a shallopp with a master and three hands as a spy boat to cruise betwixt Great Boars head and Cape Nettick for the enemy; and to come as neare this Harbour's mouth every night as weather will permitt; and that the said Capt. Hunking give the Mas^{r} instructions accordingly.

[p. 300.] Province of New Hampshire.

Att a Council held at Portsmouth, the 29th of August, 1712.

Present.

Wm. Vaughan,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

Ordered, that Mr. Secretary Story issue forth proclamation to the several towns relating to the adjournm^{t} of the Courts in hæc verba sequen:

To all persons whom it may concern:

These are to give notice that the General Qua^{r} Sessions of the Peace, to be held at Portsmouth the third day of Sep^{t} next, and the Infer^{r} Court of Pleas to be held there the —— day of 7^{br} next, considering the present danger of the Enemy, will be both adjourned,— the Court of Sessions to Tuesday, the sixteenth of September next, and the Court of Pleas to Thursday, the eighteenth of September next ensuing; And all persons concerned are desired to give their attendance accordingly.

Given at the Council Chamber at Portsmouth, the 29th day of August, in the eleventh year of the Reigne of our Soveaigne Lady Anne, by the Grace of God, of Great Britain, France and Ireland, Queen, &c. Anno Domini, 1712.

By order of the Council,

Cha. Story, Secretary.

[p. 301.] Province of New Hampshire.

Att a Council held at Portsm° the 7th September, 1712.

Present.

Wm. Vaughan, Saml Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

The Embargoe aforementioned is ordered to be taken off, and Mr. Secretary Story is hereby directed to give notice thereof to the Captaine of the ffort, the Collector and Naval officer, and other persons concerned therein accordingly.

Province of New Hampshire.

Att a Council held at Portsm° on the 10th of October, 1712.

Present.

His Excellency Joseph Dudley, Esq., Governr.

Peter Coffin, Maj. Wm. Vaughan, Robert Elliott, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

His Excellency being acquainted that there was a Cause hanging or pending to be heard before the Governr and Council, betwixt Mr. Daniel Rogers of Ipswich, and the feeholders, Comons of Hampton; and it appearing that Major Joseph Smith was manager for Hampton; who then was not well;—and the Law of usage in such cases demands fourteen days notice of tryal; And his Excellency being necessitated to Returne to the Assembly in Boston, It was then declared that the cause was continued till the next coming of his Excellency in the Province of New Hampshire. And the Secretary is ordered to write to Mr. Rogers to desist coming from Ipswich, by reason of such continuance.

[P. 302.] Province of New Hampshire.

Att a Council held at Portsm° ye 29th of October, Anno Dom^l, 1712.

Present.

Wm. Vaughan,	Esqs.	Richd Waldron,	Esqs.
Saml Penhallow,		Mark Hunking,	
Jno. Plaisted,		Jno. Wentworth,	

The following Proclamation was read at this Board in hæc verba sequen: and published by beat of drum; the Council, Justices and Gentlemen being present; and the Militia Companyes raised, the day was performed with Great solemnity.

By the Queen.

A PROCLAMATION,

Declaring the Suspension of Arms as well by Sea as Land agreed upon between her Majestie and the most Christian King, and enjoy[n]ing the observance thereof:

Whereas, the putting an End to this long and Expensive Warr, and for restoring a General Peace, a Treaty hath been for some time set on foot, and is now carrying on at Utrecht*; and whereas, for the preventing of the effusion of Christian blood, and all the Events of Warr which might possibly interrupt the progres of that negotiation, and for the better securing the Trade of our Kingdom and the Dominions thereunto belonging, It hath been agreed between us and his most Christian Majestie, as follows: that is to say,

That there shall be a General Suspension of all warlike actions and Enterprises, and of all Acts of Hostallity in General between the Armies, Troops, Fleets, Squadrons of her majestie of Great Brittain and the most Christian King, during the tearm of four months, to commence from the Eleventh of this instant August, and to continue untill the Eleventh of Decem^r next.

And to prevent all occasions of Complaints & disputes

* The treaty of Utrecht between Great Britain and France was concluded and signed on the 30th of March, 1713. "By this treaty the French King yielded to the Queen of Great Britain, the Bay and Straits of Hudson, the Island of St Christopher, Nova Scotia and Newfoundland."—*Holmes' Am. An.*, Vol. I, p. 510.

which may arise upon account of ships merch^t^dizes or other effects which may be taken at Sea during the time of the Suspension, it hath been also mutually agreed, that such ships, merchant-dizes & effects which shall happen to be taken in the Channel [P. 303.] and in the North Seas after the space of twelve days, to be computed from the eighth of this instant August, on which day the said Treaty of Suspension was signed; and that all shipps, merchant-dizes & Effects which shall happen to be taken after six weeks from the s^d^ eighth day of August beyond the Channel, the British Seas and the North Seas as far as Cape St. Vincent, or beyond the s^d^ Cape to the Line, whether in the Ocean or in the Mediterranian, shall be restored on both sides.

We have thought fitt, by and with the advice of our Privy Council, to notify the same to all our loving subjects; and we do hereby strictly charge and command all other our subjects whatsoever, to forbear all acts of Hostillity, either by sea or land, against his most Christian Majestie, his vassals or subjects, during the s^d^ space of four months, under the pennalty of incurring our highest displeasure.

Given at our Castle of Windsor, this eighteenth day of August, in the eleventh year of our Reign, and in the year of our Lord, 1712.

GOD SAVE THE QUEEN.

Ordered, that Mr. Treasurer Penhallow prepare a Dinner for the Council, Justice and Gentlemen of the Town of Portsmouth, and the officers of the Militia, and y^t^ the three companies of the Militia Soldjers be ordered some Biskett and Drink; and the whole charge accrueing be paid out of the publick Treasury.

[P. 304.] Province of New Hampshire.

Att a Councill held at Ports^mo^ on Thursday, the 13th day of Nov^r^, 1712.

Present.

Wm. Vaughan, Saml Penhallow, Jno. Plaisted, } Esqs. Mark Hunking, Jno. Wentworth, } Esqs.

The following Proclamation being read, Mr. Secretary

Story was ordered to send copies of the same to the severall Towns of this Province:

A PROCLAMATION

FOR A PUBLICK THANKSGIVING.

Under a sense of the many divine favours in the present year that demand our thankful acknowledgm^{t} to Almighty God, from whom cometh every good gift and every perfect gift:

I have thought fitt by and with the advice of her Majesty's Council, to appoint and order a General Publick Thanksgiving throughout this Province, on Thursday, the twentieth of Novr next coming, forbidding all servile Labour thereon, & exhorting both ministers and people in their respective Congregations and Assemblys upon the said Day, to offer up sincere & harty praises to Almighty God, for his Innumerable undeserved favours & Blessings; particularly, for his gracious protection of her Majesty's sacred person and Kingdom; for the near view of a Happy peace; for frustrating the Designs and Lyings in wait of our Enemies; for the General Health we have enjoyed and the plentiful Harvest vouchsafed: And, with our Thanksgiving, to Joyn fervent [P. 305.] supplications, that we may be enabled to order our Conversations aright, and God may shue us more of his Salvation.

Given at the Council Chamber in Portsm^{o} the 13th day of Nov^{r}, 1712, in the eleventh year of the reign of our Soveraigne Lady Anne, by the Grace of God, of Great Britain, France & Ireland, Queen, Defender of the Faith, &c.

JOSEPH DUDLEY.

By order of his Excellency
with the advice of ye Council. Chas. Story, Sec^{y}.

Province of New Hampshire.

Att a Council held at Portsmouth, the 20th day of December, Anno Domini, 1712.

Present.

Wm. Vaughan,	Esqs.	John Plaisted,	Esqs.
Richard Waldron,		Mark Hunking,	
Sam[l] Penhallow,		John Wentworth,	

Pursuant to his Excellency's letter of the 15th instant being read at the Board; the following Proclamation was ordered to be published by Beat of Drum, &c., which accordingly was done.

By his Excellency

JOSEPH DUDLEY, Esq., Governour and Commander-in-Chiefe of her Majesties Province of New Hampshire, in New England,

A PROCLAMATION.

Whereas, an Act of Parliament was made and passed in the sixth year of Her present Majestie's Reigne, for Ascertaining the Rate and value of forreign coin, within Her Majestie's Plantations in America, reprinted and published within this Her Majestie's Province; for preventing the laxness and neglect in the due observance and conformity to the said Act:—

I have thought fitt, by and with the advice of the Council, to Emit this Proclamation, to command a more strict observance of the said Act, and that none hence forth dare to be soe hardy to transgress the same, by uttering of money at different Rates and value than is thereby sett and prescribed, on paine of suffering the severest pains and penalties of the said Act provided.

And all Courts, Judges, Grand Jurors and Sheriffs, are hereby commanded and Enjoyned to use their utmost Endeavors to see that the aforesaid Act in the several Branches & Articles thereof, be strictly observed and kept; and that the Breakers of the same be presented accordingly.

Given at the Council Chamber in Portsmouth, the 20th day of December, 1712, in the Eleventh year of the Reigne of our Soveraigne Lady Anne, by the Grace of God, Queen, &c.

J. DUDLEY.

By command of his Excellency, with the Advice of the Council.

Cha. Story, Sec[y].

GOD SAVE THE QUEEN.

[P. 307.] Province of New Hampshire.

Att a Council held at Portsmouth on Fryday the tenth day of April, Anno Dom., 1713.

Present.

Major Wm. Vaughan, Sam[l] Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The following Proclamation being read, Mr. Secretary Story was ordered to send copys to each Town, that the same might be published and observed accordingly.

A Proclamation for a General Fast.

Upon consideration of the present state of affairs in Great Brittaine, particularly with reference to the important Negotiations on foot for the Establishment of a lasting and happy peace, the quiet and repose of Her Majesties kingdoms and Dominions, and of all her subjects depending on the good issue of those negotiations: Considering also, the many other causes that demand our instant humble addresses to Almighty God, who is the author of Peace, and all other blessings depending thereon:

I have thought fitt, by and with the advice of Her Majesties Council, to order a General Fast to be observed and kept throughout this Province, upon Thursday, the sixteenth day of April currant; and exhorting both ministers and people thereon, religiously to apply themselves to the duties thereof, both in their private Devotions and in the Publick congregations and Assemblies, with broken and contrite Hearts to make penitential confessions of sinns, and with fervent and importunate supplications, [P. 308.] humbly to implore the Divine Majesty for his gratious preservation and protection of the sacred person of our Soveraigne Lady the Queen, and of her Kingdoms, Dominions and people; for direction of her Majesties Councils; for the smiles of Heaven on this Province and the Government thereof; on the Springing of the earth, and fruits of the summer ensuing; for the continuance of Health, and other blessings Religious and Civil; and for prosperity of the Church of God throughout the world.

Given at the Council Chamber in Portsmouth, upon Fryday, the tenth day of April, 1713, in the twelfth year of the Reigne of our Soveraigne Lady Anne, by the Grace of God, of Great Brittaine, France and Ireland, Queen, Defender of the Faith, &c.

By his Excellency's Command, and with the advice of the Council. J. DUDLEY.

Cha. Story, Secy.

God Save the Queen.

[p. 309.] Province of New Hampshire.

Att a Council held at Portsmouth, the 11th day of April, Anno Domini, 1713.

Wm. Vaughan, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The following Letter was read at this Board in hæc verba sequen.

Boston, April 6th, 1713.

Gentlemen: I am upon the most difficult poynt with the Indians eastward, in order to restore them to obedience to her Majesties Government, and nothing cann prevent it soe much as vessels going thither to trade with them, in which a bottle of Rumm will unavoidably make a new breach, and gett some body knoct on the head, as heretofore hapned more than once.

Mr. Secretary Addington comes to you, with this, a copy of the Proclamation here, which I desire, *mutatis mutandis*, you will publish in the Province of New Hampshire.

You all know the cessation of Arms wants much of a Peace; and when that happily arrives, I must have a Treaty with them to secure their obedience; and then persons for factors and proper places must be determined before wee cann safely supply them; and all that must be done in the province of Maine, within the Government of the Massachusetts, and not by having Sloops upon the Coast, who will make them drunk, and murder will ensue; and if that should happen by your people out of their own Province, it

will hazard [p. 310] their lives, besides a new trouble with the Indians; I desire you to use all industry to prevent this great mischiefe so plainly in view, and lett all vessels goeing Eastward be searched att the fort goeing away, and persons transgressing proceeded against.

I am y^r humble servant,

J. DUDLEY.

On her Majesty's service,
Mr. Secretary Story, to be communicated to her Majesty's Council, Portsmouth.

By his Excellency,

Joseph Dudley, Esq., Governour and Commander in Chiefe in and over Her Majesty's Province of New Hampshire in New England, in America,

A PROCLAMATION.

Whereas, the severest pains and penalties are by Law provided against corresponding with or furnishing Her Majesties Enemies or any of the Indian Enemy and Rebels to her Majestie and the Government of these Her Majesties Provinces, with arms, ammunition, warlike stores, provisions, cloathing of any kind, or any other supplies; Notwithstanding which some evil minded persons, regardless of the same, or of their own hazard, are soe desperately hardy, as to presumé to correspond, trade with, and supply the Eastern Indians, not considering the fatal consequences thereof, nor the great disservice done thereby to the Government in the present overtures on foot with reference to those Indians, for procuring the quiet and repose of her Majesties good subjects in General:

I have therefore thought fitt by and with the advice of her Majesty's Council to issue this Proclamation, to notifie and caution all persons, as well of the hurt done to the publick, [p. 311.] as the displeasure and last danger they incur to themselves by such p'nitious and wicked practices, soe expressly and strictly forbidden; resolving to cause the Laws in the utmost pains and penalties thereof to be put in execution and inflected upon such wicked, obstinate

criminals; hereby willing and impowering all officers Civil and Military, and other her Majesties good subjects, to arrest, seize and secure all persons whom they shall finde or be informed are, or have been, trading with or supplying of the Indians with their vessels goods and effects, in order to their being brought to a tryal:

And I also command all Sheriffs and Commanding officers of forts and garrisons to cause this Proclamation to be published within their respective precincts and places.

Given at the Council Chamber at Portsmouth, upon Saturday, the ninth day of April, Anno Domi. 1713, in the twelfth year of the reigne of our Soveraigne Lady Anne, by the Grace of God, Queen, &c.

By order of the Governour, J. DUDLEY.
By and with the advice of
the Council. Cha. Story, Secretary.

Ordered, That the above proclamation be published and posted upp in Portsmouth and New Castle in this Province.

Mr. Daniel Ringe being sent for to this Board, was discoursed relating to his taking up to be schoolmaster in the Town of Portsmouth, to teach Latin, writing and ciphering, &c: And, pursuant to an Act of this Province of the 16th of May, 1710, It is in the power of the Governour, Council and Minister of the said Town of Portsmouth, to appoint such [P. 312.] School mastr; And the said Daniel Ringe, having acquainted this Board, he is willing to settle himselfe for four years as school Mast of the said Town of Portsmouth:

Agreeable therefore to the Said Act, the Council and Minister aforesaid have appointed the said Daniel Ringe to be school mast of the said Town for four years, and to receive fifty pounds per annum, as mentioned in the Act aforesaid.

Province of New Hampshire.

Att a Council held at Portsmouth on Tuesday, the 27th August, 1713.

Present.

The Honorable John Usher, Esq. Lieut. Govrnr.

Wm. Vaughan, Saml. Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

His Excellency the Governs. letter of the 24th currt relating to the proclamation of peace, was read at this Board, in hæc verba sequen:

Boston, 24th August, 1713.

Sir—

Yesterday, by the Post from York, I recd the enclosed proclamation of Peace;—the most happy news to all her Majestie's good subjects; with her Majesties' command to publish the same:

Accordingly, on Thursday the 27th instant, I do hereby direct the Council meet at the Council Chamber, and the two Companys at the Bank attending, and that you draw into the field, and there solemnly proclaime the peace, in the Proclamation enclosed, with [p. 313.] all just demonstration of joy; Let the Companys in Arms give three Volleys, and the Fort one perfect Round of all their gunns; And let this letter with a minute of Council of its performance, be entered in the Council book.

I am yor humble servant,

J. Dudley.

Lt. Gov. Usher, or in his absence
Her Majestie's Council in New
Hampshire, to be communicated.

On her Majesties service:

To the Hon'ble John Usher, Esq. Lieutenant Governour of the Province of New Hampshire; And in his absence, to Charles Story, Esq. Secretary—to be communicated.

Portsmouth.

The Proclamation of Peace was alsoe read at this Board, in hæc verba sequen:

By the Queen.

A PROCLAMATION for the publishing the Peace between Her Majestie, And his most Christian Majestie the French King.

ANNE R.

Whereas a Peace hath been treated, And articles of Peace and Commerce have been concluded at Utrecht, the one and thirtieth day of March last, between us and his most Christian Majestie, the French King; and the Ratifications thereof hath been since exchanged: In conformity thereunto, wee have thought fitt hereby to command, that the same be published throughout all our dominions: — And wee doe declare to all our [p. 314] loving subjects, our Will and pleasure, that the said Articles of Peace and Commerce be observed Inviolably as well by Sea as by land, and in all places whatsoever; strictly charging and Commanding all our loving subjects to take notice hereof, And to conform themselves thereto accordingly.

Given at our Court at St. James' the fourth day of May, in the twelfth year of our Reigne.

GOD SAVE THE QUEEN.

And immediately his Honor the Lieutenant Governor, and the gentlemen of the Council, with Justices of the Peace and several other Gentlemen attending his Honour, went into the field where the Militia were drawn upp, and there proclaimed the said Proclamation of Peace, at the Heads of the companys, with Great Demonstrations of Joy, &c.

His Honour returned to the Council Chamber, and there acquainted the Gentlemen of the Council, that if they had any thing to propose for her Majesties' service, and good of the Province, he should readily adhere thereto and willing to serve her Majestie, &c.

Answered, they had nothing.

[P. 315.] Province of New Hampshire.

Att a Council held at Portsmouth, the tenth day of November, Anno Domini, 1713.

Present.

Wm. Vaughan, Richard Waldron, } Esqs. Saml. Penhallow, John Plaisted, } Esqs.

John Wentworth, Esq.

The following Proclamation being read at this Board, Mr. Secretary Story was Ordered to send to each minister of the several parishes of this Province, one of the said Proclamations;—being as followeth:

By his Excellency JOSEPH DUDLEY, Esq. Captaine General and Governour in Chiefe, in and over her Majesties' province of the Massachusetts Bay and New Hampshire, in New England, in America,

A Proclamation for a Publick Thanksgiving.

It having pleased Almighty God to preserve her Majesties most sacred person; to prosper her just arms, with repeated successes, thro' the course of a long calamitous warr, which by the smiles of Heaven on her Majesties' wise Council and conduct, is now brought to a conclusion by a happy peace; her Majestie alsoe by her pious instances having obtained the deliverance of a considerable number of the glorious confessors of the name of our Lord and Saviour Jesus Christ, from their chaines in French Gallyes;

All which, with the many other publick blessings continued and bestowed more perticularly on our selves, in the pacification made with the Indian Enemies; in the General health throughout the province; in preserving to us soe great a part of the Harvest, doe demand our sincere acknowledgment and hearty prayers:

I have therfore thought fitt, by and with the advice of the Council, to order and appointe that Thursday, the twenty-sixth day of November currant, be observed as a day of General [P. 316] Publick Thanksgiving for celebrating the praises of Almighty God, throughout this Province, for the aforesaid enumerated and all other his undeserved mercies and favours: Hereby forbidding all servile labor on the

said day, exhorting both ministers and people in their respective congregations and assemblies, to attend and performe the dutys of the said day, with religious and becoming devotion.

Given at the Council Chamber at Portsmouth, the tenth day of November, in the twelfth year of the Reigne of our Soveraigne Lady Anne, by the grace of God, of Great Britain, France and Ireland, Queen, Defender of the Faith, Anno Domini, 1713.

By his Excellency's command,
with the advice of the Council.

CHA: STORY, Secy.

Province of New Hampshire.

Att a Council held at Portsmouth, on Thursday, the third day of December, 1713.

Present.

The Hon'ble John Usher, Esq. Lieut. Governour.

Richard Waldron, Sam[l] Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

His Honour the Lieut. Governour proposed to the Gentlemen of the Council, that General Nicholson* would in some small time be in the place and that care might be taken for the reception of himself and retinue.

Ordered, that when Mr. Treasurer shall have notice of the said General Nicholson coming into this Province, that he acquaint Col. Packer thereof, in order to provide for his reception, &c. at his the said Packer's house.

*General Francis Nicholson, who had been Lieut. Governor of Virginia, and also of New York. In 1810, he had command of the expedition against Port Royal, which he captured, and in honor of Queen Anne, the place was subsequently named Annapolis. He was also in command of the land forces against Canada, in 1711, which proved disastrous.—ED.

Province of New Hampshire.

Att a Council held at Portsmouth, the 4th December 1714 [1713 ?]

Present.

Richard Waldron, Saml. Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

His Excell^y letter of the 27th of November last, was read at this Board, as foll. viz:

Boston, 27th November, 1713.

Gentlemen,

By the articles of pacification* with the Indians in which you assisted to our joynt satisfaction, I am engaged that they shall have Trading Houses for their supply; and, without which I shall not be able to maintaine the peace.

I have therefore, with the advice of the Council of this Province, established Cascoe, Winter Harbour, for this Province, and have projected one at Oyster River, to be supplyed by Capt. Wentworth, and governed by Capt. Davis: and the Instructions to Capt. Wentworth are enclosed. I hope you will see reason to agree the matter, and then let Mr. Secretary Story countersigne and deliver them to Capt. Wentworth: If otherwise, you have any objection you will please to rep'sent it without delay, for that the affair must be speedily proceeded in; and General Nicholson will take the same measures in his Government and approves my measures here.

I am, Gentlemen, y^r very humble Servt

J. Dudley.

On her Majesty's service:

The Honorable the gentlemen
of her Majestie's Council,
New Hampshire.

The said Instructions were read, and John Wentworth, Esq. acquainted this Board, that at present he would give noe Resolve, but would write his Excellency the Governour, his opinion above mentioned, and then give his Answer to the Gentlemen of the Council.

* See said Articles in the "Journal of Council and Assembly," July 15, 1713.

[P. 319.] Province of New Hampshire.

Att a Council held at Portsmouth, the 29th day of December, 1713.

Present.

Major Wm. Vaughan, Sam[l]. Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

By his Excellency, Joseph Dudley, Esq. Governour and Commander-in-Chiefe of her Majesties province of New Hampshire, in New England.

A Proclamation for General Fast.

On consideration of the present distresses of her Majes[ts] good subjects of this Province, by reason of the general sickness prevailing in the several parts, and the great scarcity of corn and graine of all sorts, whereby many families of the poor especially, are reduced to extreme want and straits, and the severities of the winter season:

I have therefore thought fitt by and with the advice of her Majestie's Council, to order and appointe that Thursday, the fourteenth day of January next, be observed for Fasting and Prayer throughout this Province; forbidding all servile labor on the said day, and exhorting both ministers and people in their respective Assemblies thereon, with penitential confession of sins, to acknowledge the holiness and Righteousness of God in his judgments upon us for the same; humbly to implore Divine grace, by hearty supplications for the pardon of our sins, and averting of his judgments: for all Divine Blessings upon her Majestie our most gratious Soveraigne Lady the Queen, her person and Government, our nation, the Province, and the Church of God throughout the world.

Recommending it alsoe to the ministers of the several Towns and Congregations, upon the said day to ask the charitable contribution of their respective Auditors, for the reliefe of their distressed brethren and neighbors, to be distributed accordingly.

Given at the Council Chamber, at Portsmouth, the 29th day of Decr, Anno Dom. 1713, in the 12th year of the reign of our Soveraine Lady Anne, by the Grace of God, Queen, &c.

J. DUDLEY.

By Order of his Excell
with advice of the Council.
Cha. Story, Secy.
GOD SAVE THE QUEEN.

[P. 320.] Province of New Hampshire.

Att a Council held at Portsmouth, the 15th day of February, and Anno Dom. 1713-4.

Present.

Samuel Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

Samuel Penhallow, Esq. pursuant to his Excellency's Commission, took the oath of one of the Justices of her Majestie's Superir Court of Judicature of this Province; and the oaths in such cases appointed by law; as alsoe signed the Test and Declaration.

John Wentworth, Esq. pursuant to his Excellency's Commission, took the oath as one of the Justices of her Majestie's Inferiour Court of Common Pleas in this Province; and the oaths (in such cases) appointed by Law; as alsoe signed the Test and Declaration.

[P. 321.] Province of New Hampshire.

Att a Council held at Portsmouth, on Tuesday, the 25th June, 1714.

Present.

William Vaughan, Richard Waldron, Mark Hunking, } Esqs.

His Excellency the Governour's letter of the 21st curr was read at this Board, in hæc verba sequen:

Boston, 21st June, 1714.

Gentlemen: The 18th instant I recd letters from the Right Honble the Lords Commissioners of Trade and Plantations, bearing date April the 6th, 1714; wherein I am commanded to publish the Articles of Peace and Commerce between Great Brittaine and Spaine; which therefore I have covered to you, and direct you immediately upon the receipt thereof, to intimate a Council at the Council Chamber in Portsmouth, the 24th instant, at eleven o'clock in the morning, when and where, in their presence, you shall read and publish the said proclamation and Articles; And direct the discharge of twenty one Gunns at the Queen's Fort at the same time; and enter a minute in your Council Books, of your proceedings accordingly.

Given under my hand.

J. Dudley.

By the Queen,

A Proclamation

For publishing the Peace between her Majesty and his most Catholick Majesty the King of Spain:

[p. 322.] ANNE R.

Whereas, a Peace hath been treated & Articles of Peace and Commerce have been concluded at Utrecht, the second*/thirteenth day of July, and the nine & twentieth/ninth day of November/December last, between us and his most Catholick Majesty, the King of Spain, and the Ratifications thereof have been since exchanged; in conformity thereunto, we have thought fitt hereby to command that the same be published throughout all our Dominions; and we doe declare to all our loving subjects our will and pleasure, that the said Articles of Peace and Commerce be observed inviolably, as well by sea as by land, and in all places wtsoever; strictly charging and commanding all our loving subjects to take notice thereof, and to conform themselves thereto accordingly.

Given at our Court at Saint James, the eight and twentieth day of February, 1713–4 in the twelfth year of our Reign.

God Save the Queen.

* These dates indicate the *Old* and *New* style, which is a difference of eleven days.

Pursuant to the before mentioned Letter, the Proclamation and Articles were published by Beat of Drum, at the usual place in Portsmouth. The Honorable, several of the Gentlemen of the Council and Justices of the Peace being then present: Att which time the Gunns at her Majesties' Fort were fired: the remaining parts of the day being past away with much solemnitye and rejoicing, &c.

[P. 326.] Province of New Hampshire.

Att a Council held at Portsmouth, on Saturday, the 17th of July, 1714.

Present.

The Honorable John Usher, Esq. Lieut. Governr.

Robert Elliott,	Esqs.	John Plaisted,	Esqs.
Richard Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

Gentlemen — On Monday last, I waited upon the Governr and acquainted him of my coming into the Province; and if there is any thing for the service of the Crown or the Province yt you have to propose, I shall readily doe my duty to promote the same.

The Indian Sachems that are coming here to treat with the Governr, I think it proper to leave it to your discretions to consider proper quarters for them, that they may not straggle, least mischiefe may accrew betwixt some of them and some of our people.

Ordered, That Mr. Treasurer take care for the p'sent supply of provisions for the Sachems and other Indians that are expected here daily, and that they be seated upon Withers Island in the houses there, or with such Hutts or Hovels as they may see occasion to make, till further order.

His Honor, the Lieut. Governr acquainted this Board that his Excellency, the Governr, expected General Nicholson should be hansomely and respectfully recd into this Prov-

ince; therefore the Lieut. Govern^{r} was pleased to acquainte the Gentlemen of the Council, he would goe soe far as Hampton to receive the Govern^{r} and General Nicholson, when he had acc^{t} of his coming, and expected their Comp^{a} to attend him thither.

His Honor the Lieut. Govern^{r} was pleased to say that he had nothing further to communicate to this Board at present, but if he heard from his Excellency he would acquainte them therewith.

[p. 327.] Province of New Hampshire.

Att a Council held at Portsmo^{o}, the 2^{d} Augt 1714.

Present.

The Honorable John Usher, Esq. Lieut. Govern^{r}.

Robert Elliott,	Esqs.	John Plaisted,	Esqs.
Richard Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

Gentlemen — On Saturday last when I was here I spoke to Mr. Treasurer to gett Mr. Packer's Acct. brought to this Board, relating to the expences of the Government at the meeting of the Indians when the Govern^{r} and General were here — which Mr. Treasurer brought in accordingly.

The said Acc^{t} being read, it is lookt upon as noe proper acc^{t} and therefore,

Ordered, That the said Colonel Packer be directed to draw out an Acc^{t} of the number of persons that dined every day, and of the quantity of the sorts of liquors, and that the said account when new drawn out be referred to the Committee for examining all acct^{s} &c, and to inspect the same, and make Report.

The Council says there is an order of Government for a Committee to examine all accts. and make Report to the Assembly, and therefore they refer all acct^{s} before them to that Committee.

His Honour the Lt. Govn^r proposed to the Council, that he had been five times here upon her Maj^ties Business, and have expended five pounds in one Journey besides his time, and often motioned it to the Council to be gratified; but as yet never had any thing. It is the opinion of the Council, that this affair be referred to the next General Assembly.

Mr. Treasurer's Acc^t Am^o to £43. 3s. 8d. relating to expences of the Government, referred to the Committee.

[p. 328.] The Hon'^ble the Lt. Govern^r told the Gentlemen of the Council, that he would lay an Address before his Excel^y General Nicholson, referring to the waist Lands of this Province; that he would be pleased to acquainte her Majestie about the settlement of the said Land.

Province of New Hampshire.

Att a Council held at Portsm^o on Thursday, the 23^d September, 1714.

Present.

The Honourable John Usher, Esq., Lt. Govern^r.

Samuel Penhallow, John Plaisted, } Esqs. Mark Hunking, Esq.

His Honour the Lieut. Govern^r made the following speech, in hæc verba sequen:

Gentlemen: The 20th instant receiving from his Excellency, Joseph Dudley, Esq., Governor and Commander-in-Chiefe of his now Majesty's Government, some lines, to come here to perform the ceremony of this day; notwithstanding my indisposition by reason of sickness, being weak, yett from a principal of loyaltie, am come here to perform the same, viz:

The funeral of our most gratious Soveraigne of ever Blessed memory, exemplary for piety and virtue, attended with true zeal for promoting thereof: Alsoe this day to proclaime the High and Mighty prince George, Elector of Brunswick, Lunenburgh, who by the death of our late Soveraigne Anne, of happy memory, is now become lawfull

[p. 329] successor and King, to the Imperial crown of Great Brittaine, France and Ireland, &c., whom, pray God to Bless with long and happy years to reigne over us.

His Excellency's the Governor's letter was read at this Board, in hæc verba sequen:

Boston, September 20th, 1714.

Gentlemen: I have directed the Proclamation of his Majestie King George in this place, with all solemnity, on Wednesday the 22d instant, and doe hereby direct you to meet on Thursday morning at the Council Chamber, having the foot companys of Portsmouth in Arms, and the troop of Horse; and then, let the Colours at the Fort be hoisted halfe-mast high, and lett there be one round of all your gunns fired, at a minutes distance each, for the funeral of her late Majestie Queene Anne,* of blessed memory; and at twelve of the clock, let the colours be hoisted & the Proclamation solemnly read; the soldiers give three volleys, and the Castle three Rounds of all their gunns, & let the Council goe into mourning, for Her late Majestie, Queen Anne, of blessed memory;—making a minute in your Council Book of what is performed as above.

Given under my hand,

J. Dudley.

Verte.

If Governor Usher come not, I would have all the Council take the oaths, according to Act of Parliament, as if they were now first entered Councillors; and all the other officers civil and Military must doe the same, as you will see in the Act of Parliament, primo Annæ chap. 22d.

J. Dudley.

[p. 330.] His Honour, the Lieut. Governrs Commission was read at the Board.

A minute in the Governor's Commission was relating to Issuing out mony out of the Treasury, was also read at this Board.

His Honour, the Lieut. Governour acquainted the Council, that he, by his Excellency's direction came to see the

* Queen Anne died August 1, 1714, aged 50.

due performance and solemnity of this day, and that it was expensive to him.

Ordered, that tenn pounds be immediately paid out of the Treasury, to His Honour, the Lieut. Governour for his extraordinary care in seeing the performance of the said day, with thanks from this Board.

The ceremoney of the said day was performed as followeth: viz., Two companys of soldjers in Arms, the Lieut. Governour, some of the Council, the Secretary, Justices, Sheriffe, and several principal gentlemen attended the ceremony of the funeral of our late Soveraigne Lady Queen Anne, of ever blessed memory; the soldjers marching in funeral posture; the Lt. Govern^r accompanied as abovesaid went from the House of Capt. Richard Gerrish, Esq., in Portsm^o to the said Ceremony, and marched to the street before the Council Chamber, where the soldjers were drawn upp and fired three volleys; and after that all the Gunns at the Fort were fired, and the shipps in the River fired several gunns in the funeral posture.

Sometime after, the Lieut Govern^r accompanied as aforesaid, went into the field to the head of the Companys, and Ordered Proclamation to be made, that all officers, civil and military, were to continue in their [p. 331.] place till further order, for keeping the peace and safety of his Majesties good subjects. And then proclaimed King GEORGE, King of the Imperial Crowns of Great Britain, France & Ireland, &c.; firing three volleys, and giving three huzzas; all the Great Gunns of his Majestie's Fort at New Castle fired three times Round; several scores of Great gunns fired on board of the shipps in the river; after which the Lieutenant Governour with the Council, Secretary, Justices, Sheriffe, and other the principal Gentlemen of the place, returned to the Council Chamber where they drank the King's health, and the Duke of Cambridge; concluding the evening with great joy and solemnitye.

God Save the King.

Province of New Hampshire.

Att a Council held at Portsmouth, the 21st of October, Anno. Dom. 1714.

Present.

Nathl Wear,	Esqs.	Samll Penhallow,	Esqs.
Robert Elliott,		John Plaisted,	
Richard Waldron,		Mark Hunking,	

John Wentworth Esq.

All the officers civil and military took the oaths appointed by Law and subscribed the Declaration, as upon file, in the Secretary's office.

[p. 332.] Att a Council held at Portsmo ye 12th Jany 1714-5.

Present.

Robert Elliott,	Esqs.	Saml Penhallow,	Esqs.
Nathl Weare,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

John Wentworth, Esq.

Hir Excellency's Letter wth ye Complt of ye several Inhabitants of Portsmouth was read.

Upon wch ye principall of ye sd Complainers, wth the Selectmen of Portsmouth, were ordered to appear, & accordingly did appear, & upon hearing both p'ties ye Council were pleased to give his Excellency ye Govr a full account of ye matter in a letter bearing date ye 12th day of Janry, 1714-5, as on file.

Province of New Hampshire.

Att a Council held at Portsmouth, ye 28th Janry, 1714-5.

Present.

Robert Eliot,	Esqs.	Saml Penhallow,	Esqs.
Nathl Weare,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

John Wentworth, Esq.

The Gov^{rs} Letter bearing date, Jany 17th, was this day read at ye Council board as followeth:

Roxbury, 17 Jan: 1714-5.

Gent^{m}: I have before me Mr. Secretary Story's letter from the Council, & tho' I think ye winter season w^{d} have given leisure [mo ?] to ye Council to have satt upon ye complaints of Portsmo: yet I shall allow of ye proceedings y^{r}upon by a Committee, directing it to be done by impartiall p^{r}sons of the Council; or otherwise to revise ye proceedings upon ye said three years acc^{tts}, y^{t} ye whole matter may be sett in a true light agst ye next sitting of an Assembly, wch I suppose will not be long hence.

The dismissing ye appeal by ye Superior Court, I am of opinion ought to have carryed its reason wth it; tho' I am [p. 333.] not to doubt but ye Judges had ye reason for it. Referring to ye Papers signed by Captain Pickerin, Mr. Cotton & others alleadging double orders in the town book, &c., I cannot give any opinion unless upon ye place to see them, & hear both p^{r}ties; nor of the surplusage of the tax beyond ye Assembly's order, untill ye Committee have sett them in a true light; whom, therefore, I direct you forthwith to appoint: in the meantime there must be no delay of collecting w^{t} is granted by ye assembly to ye Crown for drawing in ye Province bills.

Gent^{n}: Referring to ye Courts & Governm^{t}, it is a matter out of all question, y^{t} his Majesty's subjects in the Pro: of New Hampshire are not to be left one day without governm^{t} wch you may be assured his Majesty has directed & disposed before this time; and ye distance and hazard of its arrivall & delay thereupon is a warr^{t} sufficient for all y^{or} Bank to proceed in their ordinary methods, & Judges, Justices for the Civil part, as well as military officers, for ye security & defence of his Maj'ties good subjects, wch accordingly I expect from every such officer civill and military, as they will answer ye contrary at y^{r} perill, & ye obedience & assistance of all his Maj'^{ties} good subjects in ye Pro: residing; the s^{d} officers having every p'son qualified themselves, as ye Lords Justices & Act of Parliament have commanded; & of this ye Gent^{mn} of his Maj'^{ties} Council will give notice as need may require, that we may be found in a Dutifull & Loyal & peaceable posture when his most

sacred Maj'ties commands shall arrive, wch cannot be long.

I am, Gent^mn^,

Y^r^ most faithful friend

To be communicated to his Maj'ties Council, N. Hamp^re^. J. DUDLEY.

Ordered, that ye whole Council sitt as a Committee to auditt ye acc^tts^ of ye Selectmin of Portsmouth for two years past, to give an acc^t^. of the money raised, & that they be notified to draw out their accounts accordingly, to be layed before the Council board on Tuesday ye 8th of Feb^ry^ next.

Ordered, that his Excellency, the Govr be acquainted wth the opinion of this Board, that a Proclamation be forthwith issued throughout this Province for ye continuance of all officers both civill & military for the defence of his Maj'ties good subjects, untill his Maj'ties pleasure be farther known.

[P. 334.] Province of New Hampshire.

At a Council held at Portsm^o^
Jan. 31, 1714–5.

Present.

The Honorable John Usher, Esq. Lt. Govr.

Robert Eliot, Richd Waldron, Saml Penhallow, } Esqs.

John Plaisted, Mark Hunking, John Wentworth, } Esqs.

The following Proclamation was published by beat of drum.

By his Excellency, Joseph Dudley, Esq., Capt. Generall & Governour-in-chief in & over his Maj'ties Province of New Hampshire in New England, A PROCLAMATION, requiring all persons in office of authority or governm^t^, civil or military, to proceed in ye execution of y^r^ respective offices.

His Maj^ties^ commands referring to the Governm^t^ of this his Maj^tys^ Province being not yet arrived, but to ye intent that

good rule and order be upheld, and ye peace and quiett of his Maj^{tys} good subjects in ye several parts pr'served, I have thought fitt, by and with ye advice of his Maj^{tys} Council, to put forth this Proclamation, hereby strictly charging, & in his May^{tys} name requiring all officers civil and military (who have qualified themselves by taking ye oaths appointed by Law, pursuant to ye Act of Parliam^{t} made in the sixth year of her late Maj^{tys} reign, Intitled an Act for ye security of her Maj^{ties} p'rson & Governm^{t}, & of the succession to ye crown of Great Brittain in the Protestant line; and a Proclamation issued by their Excellencys the Lords Justices of Great Brittain) And ye respective Courts of Justice wthin this Pro: to attend ye Duty of their respective offices, places and employm^{ts}, & vigorously to exert themselves in ye execution of ye Laws for ye conservation of the peace & Administration of Justice, according to ye powers & trust in them severally reposed, until his Maj^{ties} pleasure shall be known therein, as ^{yy} tend^{r} y^{r} duty and Allegiance to his Sacred Maj^{tie} & will answer ye neglects thereof att their perill.

Willing and commanding also in his Maj^{ties} behalf, all his Maj^{ties} loving subjects to pay a just deference, yield a dutiful obedience & to be aiding, helping and assisting at ye command^{mt} of the said officers and ministers in ye performance [P. 335.] & execution of their respective offices, places and employm^{ts}; as they and every of them tend^{r} his Maj^{ties} utmost displeasure & will answer the neglect of their duty therein at y^{r} perill.

Given at the Council Chamber in Portsmo, upon Monday, ye thirty-first of Jany 1714-5, in ye first year of the reign of our Soveraign Lord George, by ye Grace of God, of Great Britain, France and Ireland, King, Defend^{r} of ye Faith, &c.

By order of ye Govr & Councill, J. DUDLEY.

Ch: Story, Sec^{y}.

God Save the King.

Province of New Hampshire.

At a Council held at Portsm°, ye 4th Febr^y, 1714-5.

Pres^t.

His Hon^r John Usher, Esq. Lt. Govr.

Sam. Penhallow, John Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

A petition p'sented to this board by ye town of Hampton, (as on file) was read; on hearing of which,—

Ordered, That the Selectmen of Hampton and Exeter be notified to appear on Monday next, at 10 o'clock, before this board, in ord^r to have a further hearing of s^d Petition, & y^t a copy of ye Petition be sent to Exeter Selectmen.

His Hon^r ye Lt. Govr enquired of ye Council whether anything had been done by ye Assembly as a gratification to him for his former service, as he had formerly proposed to them in Augt last.

They answered, the Committee had not mett since he was here last.

[p. 336.] Province of New Hampshire.

At a Council held at Portsm° ye 7th Feb^y, 1714-5.

Present.

His Hon^r ye Lieutenant Govr.

Saml Penhallow, Jno. Plaisted, Mark Hunking, } Esqs.

A Petition p'ferred to this Board, by John Redman, subscribed by Wm. Staniford, Edwd Tuck, &c, was read;

Whereupon it was ordered—

That the several complainers apply y^mselves to Capt. Atkinson, who was command^r of ye Fort, ye several years, wherein they say they are wronged, and settle y^r accounts

and make a report thereof to this board from Capt. Atkinson.

The Petition of Hampton was read at this Board, the Selectmen of Hampton & Exeter both being p'sent.

Upon hearing both p'ties it was

Ordered, That ye lines between Hampton & Exeter be seen and perambulated wth in fourteen days, & y^t each town appoint a town meeting forthwith to choose a Committee to run the said lines, and y^t Capt. James Jeffrey be ye survey^r to do y^t service & make his return to this board, ye towns paying his charge.

Col. Packer's Acct. dated in Jany last, 1714, and ye first of Feby and 7th ditto, amounting to £4 : 13 : 11, is allowed & ord^red to be p^d in course.

Ordered, By the Councill, y^t ten pounds be p'sented to ye Lieut. Govr for the service of this Journey, besides his charges for a man to attend him, 30s.

[P. 337.] Province of New Hampshire.

At a Council held at Portsm^o ye 11th March, 1714-5.

Present.

Willm Vaughan, Richard Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

John Wentworth, Esq.

Whereas Charles Story,* Esq., deceased, was late Secretary of this Province, in whose hands ye Books of records and files of papers belonging to this Governm^t lay ;

* For the following notice of Charles Story, Esq., the Editor is indebted to the late Hon. S. D. Bell, of Manchester.

Charles Story was appointed Judge of the Court of Admiralty for New Hampshire in the fall of 1696. He sailed for Portsmouth late in the same season, and arrived about the middle of January, 1797. On the 19th of that month he presented his commission to the President and Council, which was read, approved, and ordered to be recorded.

I have been able to ascertain nothing of his early history, of the time or place of his birth, of his parentage, education or employment. From his appointment one may fairly infer that in some capacity he had been trained to the legal profession, probably at Doctors' Commons, whence the Admiralty officers had been most usually selected. As the profits of his new office must have been small, he probably did not leave a very lucrative position at home.

Ordered, That two Gent^n of ye Councill, viz. Sam. Penhallow and Mark Hunking, Esqs. demand and receive of ye Exec^rs of said Story all such books and papers belonging to this Govern^t as above, and deposite ye same in ye hands of Maj. Wm. Vaughan, there to remain till further order.

Though the people of the Province were broken into parties, Mr. Story was pleasantly received by the party in power, and Mr. Henry Penny, who had been previously Secretary of the Province, was removed from office, and Mr. Story was appointed, took the oaths, and the records and files of the Province were placed in his custody.

The Council again convened on the first of February, but Mr. Story did not attend. They ordered a boat to be sent to Newcastle for him immediately. He appeared the next day, and the President reprimanded him for the neglect. Story answered "with lotty indecent carriage towards the Council," and said he had been cautioned against acting in those offices. The Council enquired by whom, but he declined to answer, and suspicions were entertained that he had been talked to by Lt. Governor Usher, who was in active hostility to the President and a majority of the Council. The Council then demanded of him the books and papers which had been delivered to him, but he peremptorily refused to deliver them. Whereupon the Council ordered the Constable to take him into custody, and issued a warrant to the Sheriff and Capt. John Pickering to take assistance and make search of houses, &c., for such books and papers, and bring them to the President and Council. The Sheriff in a short time brought the records and files. Mr. Story was brought in and informed that "they had obtained their books and papers, notwithstanding his efforts to prevent it; and since he had so peremptorily refused to serve the King, and so dismissed himself, the President and Council dismissed him. As to his office of Judge of the Admiralty within this Province the Court would do what was proper in countenancing and assisting him in the exercise of that office, according to his commission." So Mr. Story was dismissed, and Mr. Penny re-appointed.—*Ad. An. of Ports.*, 104.

Usher, it is said, sent Story to England with complaints to the Lords of trade against the President and Council, which would show that Story chose to connect himself with Usher and the minority, rather than with the President and majority of the Council. *Ib.* 107.

Mr. Penny remained in the office of Secretary until February, 1698, when he was superseded by Sampson Sheafe, who held the office till the accession and qualification of Governor Bellomont in July, 1699, when Mr. Story was appointed Secretary, in the place of Sheafe. He held the office of Secretary till 1704, when the place was given to Samuel Penhallow, who was in office one year under Governor Usher. Mr. Story then resumed the office, and continued in it till the appointment of Richard Waldron as Clerk of the Council, by Governor Vaughan, in 1715.

In 1699 Mr. Story was appointed Register of Probate, and appears to have continued in the office till his death, the last date of his record being Dec. 11, 1714. He signs his probate records till Oct. 19, 1703, as Secretary, and till the end of 1705 Secretary and Register, and after that, Register.

Little is known of his ability and capacity as Judge of the Court of Admiralty, and the length of time he remained in that office is rendered uncertain by the statements in the Judicial History of Massachusetts, that the Jurisdiction of the Judges of the Admiralty for the Northern District of New England included Maine and New Hampshire, as well as Massachusetts.

In 1712 Mr. Story was Attorney-General of the Province, and he was engaged as Council in many of the most important lawsuits, sometimes with Capt. Pickering, sometimes against him. Jarvis Ring, John Meinzies and John Valentine, were often engaged on the other side. Meinzies became Judge of the Admiralty in 1715.

In September, 1709, Mr. Story took a lease from Vaughan and others, Committee of the town, of one of the Glebe Lots, but did not comply with the conditions, and it was leased to another person.—*Br. Rambles*, 40, 41, 42.

Mr. Story's residence was at New Castle. He seems to have dealt little in real estate, few deeds to which he was party being found on record.

His will is found on the files of the Registry Office, dated March 4, 1714-15, in which he says he is sick and weak in body; gives to his wife Susanna all his estate, real and personal, except a few shillings each to four kinsmen and kinswomen, named Foster, and to Barbara Booth. His will was proved March 17, 1715-16. Nothing further is found relating to his estate.

Province of New Hampshire.

At a Council held at Portsm° ye 28th March, 1715.

Present.

William Vaughan, Sam. Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

Pursuant to his Excellency's direction of ye 22^d curr^t the Council ordered that his Maj^ties Proclamation for ye continuance of all offices civill and military, shall be made Publick by beat of Drum; wch was accordingly done as usually in like cases of his Maj^ties Commands, wth ye attendance of two foot companies.

[P. 338.]

At a Council held at Portsmouth, April 26th, 1715.

Present.

His Excellency, Joseph Dudley, Esq., Govr.

Richard Waldron, Saml Penhallow, } Esqs. Jno. Plaisted, Mark Hunking, } Esqs.

The Petition of Natt. Lang was read, as follows:

To his Excellency, Joseph Dudley, Esq. Govr &c. & ye Honorable, ye Council, now sitting, the Petition of Natt. Lang:

Humbly sheweth,

That yor Petitioner, being one of ye Constables of Portsm° in the year 1714, had a list of rates committed to him to collect for ye Prov. use, by virtue of w^ch & a legal warrant to him directed by ye selectmen and assessors, he did apprehend and bring before two Justices of the Peace sundry p'sons named in that list, to ye number of thirteen, who refused to pay their rates or show yor petitioner any estate to distrain upon; wch Justices refused to take any cognizance at all of the matter; each man going away as he pleased; since which the Treasurer has caused an execution to be levyed on your petitioner's estate to satisfy

that rate, notwithstanding wch those thirteen delinquents do still refuse to pay their assess^mts^, threatening to prosecute yor petitioner, if he does hereafter meddle with p'sons or estates: therefore yor petitioner humbly prays yor Excellency and Hon^rs^ to make such an ord^r^ as shall strengthen him in ye collecting of the rate & be justified therein.

Yo^r^ Petitioner subscribes,

Yo^r^ Excellency's & Hon^rs^ Most humble Servant,

NATT. LANG.

Upon reading ye above Petition, it was Ordered, that the Petitioner proceed vigorously to collect the rates from all p'sons named in the Lists committed to him for ye town & province [P. 339.] use, especially from ye thirteen men complained of; that he take their estates by distress if they refuse to pay, & if no estate appear wh^r^on to distrain, then to apprehend the p'sons and carry them before a Justice of the Peace, who shall send them to Goal, upon such refusal; & ye sheriff shall assist him wth ye power of ye County, in case any open or generall resistance be made.

So far gone to England.

Province of New Hampshire.

At a Council held at Portsmouth, July 28th, 1715.

Present.

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Tho: Allin, Tho: Ball, Wm. Phillips, Richd Gitto, John Ball, Sam. Jordan, Wm. Brown, Robert Long, & John Amee, were sent for to this board, and being examined upon oath, relating to Phillip Gould's demeanour of himself while he wth them were captives wth the Ind^s^ at Cape Sable, informed as follows, (viz.) that they verily believed y^t^ ye said Phillip Gould was strongly fixed in ye English

interest, and altogether declined the French; that he distinguished himself by his very p'ticular kindness to them while ^{yy} [they] were prisoners wth the Ind^{ns} at Cape Sable, & that he strongly urged a rising agst ye enemy, and offered to kill ye Capt. of the Ind^{ns} wth his own hand; & that ye agreem^{t} between ye English & Indians for ransoming ye vessels taken, was abund^{tly} facilitated by his means; further, that he discovered a g^{t} concerm^{t} for Capt. Southack's danger, & very carefull to inform him thereof.

Sam: Jordan, Robt Long, & Jno. Ball further testifyed, y^{t} they saw an Ind^{n} cock & p'sent a gun at s^{d} Gould, offering to shoot him, telling him he was a rogue, and engaged in ye English interest.

The Council being informed that Westcoat, lately taken in a fishing boat at Cape Sable, was arrived at New Castle, immediately sent an express to summon s^{d} Westcoat to this Board, who was much indisposed, so could not attend; but sent up his man, who arrived in ye vessell wth him, (viz.) Thomas Bramble, who being come to this Board & examined, informed as follows, (viz.) That during their captivity with ye Ind^{ns} at Cape Sable, they had generally easy treatment; & that according to the best of his understanding, Monsr Lavadore had sent a messing^{r} from Mallagash to Menis to acquaint ye French there wth w^{t} the Ind^{ns} had done upon our fishery; who immediately y^{r}upon sent one Capt. Walker, an Ind^{n}, to enquire into this affair; by whose influence it was y^{t} ^{yy} were set at liberty; he telling them y^{t} if ye Govr of Boston said there was a good peace, they should make restitution to all suffering any damage by them. He further informed, that the num^{r} of men set at liberty was eleven; of vessels, six; wch all sett sail together; two wh^{r}of had but one man on board, each; & lastly that they had been fifteen days on their passage home.

Province of New Hampshire.

At a Council held at New Castle, Sept. 6, 1715.

Present.

The Honble John Usher, Esq. Lt. Govr.

Robert Eliot, Richd Waldron, } Esqs. Saml Penhallow, John Wentworth, } Esqs.

His Hon^r the Lt. Govr made a speech to this Board wch was read, as followeth:

Gent^n.

Having ordered Genl Assembly to convene at Portsm^o 8th instant, being next Thursday:

Find fort greatly out of repair; desire four p'sons nominated & appointed to take a view & survey thereof, & make report true condition s^d fort, & w^t prop: forthwith to be done, for to be laid before Assembly; that same be in fitt posture reception Govr Burgess.

Present a complaint against John Leavitt, Hampton, for great contempt; desire that directions be given the Court Q^r Sessions for Peace, to proceed therein, that due witness [p. 341.] born ag^st such actions.

If you have any thing of moment for service Govern^t to offer, readily shall receive.

As to State civil and military Province shall enquire fully into, take due care thereof before leaving Province.

JOHN USHER.

Ordered, That Mark Hunking & John Wentworth, Esqs. together wth Jos. Smith and Theo. Atkinson be a Committee to view his Maj^tes fort Wm. & Mary, at New Castle, and make report of the state & condition of s^d Fort, to ye Genl Assembly at their next session, wch will be on Thursday ensuing, being ye 8th instant.

His Hon^r the Lieut. Govr communicated a complaint to this Board ag^st Jno. Leavitt of Hampton, to be p'ferred at the Court of Qr. Sessions of the Peace ag^st him the s^d Leavitt, for misleading his Hon^r in his journey from Hampton to N. Castle, & disrespectful treatment on s^d journey;

& 'tis appointed that Richd Waldron, Jun. be King's Attorney, to prosecute s^{d} Leavitt.

His Hon^{r} the Lt. Govr read a minute of his Instructions at this board, respecting ye Treasurer's accounts, &c. & then notified Mr. Treasurer Penhallow y^{t} he expected to have his accounts to send for England before he left the Province.

Province of New Hampshire.

At a Council held at Portsmouth Sept. 15th, 1715.

Present.

His Honour the Lt. Governour.

Nathl Wear,	Esqs.	Mark Hunking,	Esqs.
Richd Waldron,		Jno. Plaisted,	
Saml Penhallow,		John Wentworth,	

The Lt. Govr enquired of Mr. Treasurer Penhallow, whether he had received the account of the lumb^{r} Duty. He answered, he had not, but he daily expected ye officer would bring it in.

The Lt. Govr told Mr. Treasurer Penhallow y^{t} he had p'rused his Acc^{t} of stores, & found it imperfect, and further, y^{t} he excepted p'ticularly agst ye barr^{l} powd^{r} spent at Proclaiming ye Peace. Mr. Treasurer Penhallow answered 'twas spent by advice of ye Council.

The Lt. Govr desired to know of Mr. Treasurer Penhallow, whether y^{t} £1000 voted by ye General Assembly to be burnt in June last, was burnt; he answered ye whole sum was not, & y^{t} ye difficulty of exchange of bills was the reason.

[P. 342.] The Lt. Govr recommended to this Board ye consideration of his g^{t} expense & charge in the service of this govern^{t} wthout any gratuity therefor.

Voted, That his Honor the Lt. Govr should have ten pounds paid him out of the treasury, & that a warrant be issued out accordingly.

His Honor the Lt. Govr told this Board if they had anything to offer for the King's service, he would attend it; if not he would take his leave of them. They answered they had nothing to offer.

JOHN USHER.

Province of New Hampshire.

Att a Council held at ye Council Chamber, in Portsm^{o}, Oct. 12th, 1715.

Present.

Robert Eliot,	Esqs.	John Plaisted,	Esqs.
Nathl Wear,		Mark Hunking,	
Richd Waldron,		John Wentworth,	

His Excellency Elizeus Burgess, Esq., his letter to the Presid^{t} & Council of the Prov. of N. Hampshire, pr Geo. Vaughan, Esq., was read at this Board, as followeth:

London, July ye 28th, 1715.

Gent^{n}: The King has been pleased to appoint me his Govr of the Province of N. Hampshire and Massachusetts Bay in New England, and I intend, God willing, to sett out from hence some time next month, in ord^{r} to be wth you before this season is over. I would have given you earlier notice of this if I had not waited for an opportunity of writing by Coll^{o} Vaughan, who, I am told has so near a relation to many of you, that I dare say you will not be displeased I have had credit enough to procure him a Commission to be Lieut. Govr of your Province. I wish I could do any thing more for your service here; but w^{n} I have the pleasure to meet you in America, you yourselves will see how much I have yor interest at heart, & that I desire nothing more earnestly than yor good opinion; & the good of the people I have preferred to my best friends, and wth whom I hope to live and die. I am

Gent^{m} yor most obedient & most humble servant,

ELISEUS BURGESS.

To the Honble the Pres^{t} & Council
of ye Prov. of New Hampshire
in N. England, in America.

Upon reading ye foregoing letter, Mr. Sherriff Phipps was sent from ye Councill to Geo. Vaughan, Esq. to pray his Comp^a at the Council Board, who accordingly came, where the Gen^tn of the Council informed him that they understood by his Excellency Col^o Burgess' letter, that he had obtained a Commission for ye Lieutenancy of this Province, he answered he had, wch he p'sented to ye Board, & then, taking his leave, departed. The s^d Commission being twice read at ye Board, it was

Voted, That ye s^d Commission should be published on ye next day, (viz.) on ye 13th inst., at 10 o'clock forenoon. It was also

Voted, That Col^o Waldron ord^r two foot Comp^as of ye militia at Portsmouth, (viz.) Capt. Phipp's & Capt. Pierce's companies, to attend ye publication of s^d Commission at ye time afore^sd; & that ye Clerk send an ord^r to ye Capt. of his Maj'ties fort at New Castle, [p. 344.] to fire eleven great guns at ye Castle to-morrow, wch will be ye 13th inst. ten minutes after they shall hear the first volley of small arms from Portsm^o.

Adjourned to Thursday ensuing, 10 o'clock, ante meridian.

Prov. of New Hampshire.

Met again according to adjournment—being the 13th instant.

Present.

Robt Eliot,	Esqs.	Saml Penhallow,	Esqs.
Nathl Wear,		John Plaisted,	
Richd Waldron,		Mark Hunking,	

Ordered, That Mr. Treasurer Penhallow deliver fifty pounds of gun-powder to Capt. Phipps or his order, to be distributed in proportion to the two foot companies of militia now in arms, to be expended for ye King's service; also three pounds mony for ye use of s^d Companies.

This day the Gent^{n} of the Council Accompanied by sundry ye principall gentry of ye Prov. walked from ye Council house to ye Market place in Portsm^{o}, where they mett two foot companies of militia in arms, together wth a great numb^{r} of other people, at wch time & place, was publickly read the Honble Geo. Vaughan, Esq. his Commission to be Lieut. Govr of the Prov. of N. Hamps^{r}, wch was followed by three volleys of small arms & huzzas: & answered from his Maj'ties Fort Wm. & Mary, by the discharge of eleven cannon.

After this ceremoney was over, the Gent^{n} of the Council returned to ye Council [p. 345.] Chamber, from whence they sent the Clerk to the Honble Geo. Vaughan, Esq. to inform him that the Council were then at the Council Chamber awaiting his Hon^{rs} pleasure; who immediately thereupon came to ye Cham^{br}, where his Hon^{r} took the oaths appointed instead of ye oaths of allegiance & supremacy, repeated the Declaration, and subscribed the same, & then took his place at the board accordingly.

Ordered, That ye Clerk write to his Excellency, Jos. Dudley, Esq. & inform him of ye arrival of ye hon^{ble} Geo. Vaughan, Esq, wth ye King's Commission for ye Lieutenancy of Hamp^{sr} & the publication of the same.

Prov. of N. Hampshire.

At a Council held at ye Council Cham^br^ in Portsmouth, 8^br^, 27th, 1715.

Present.

The Honourable Geo. Vaughan*, Esq, Lt Govr.

Saml Penhallow, John Plaisted, Mark Hunking, } Esqs.

His Hon^r^ the Lt Govr told the gen^tn^ of the Council, that he was desirous of seeing all ye Council together, or as many of them as could wth convenience attend. The Gent^n^ answered, that in ord^r^ thereto 'twas proper to adjourn, & y^t^ ye Clerk give notice thereof to ye severall memb^rs^ of Council not p'sent, accordingly.

Adjourned to Saturday ye 29th inst. 10 o'clock, A. M.

[P. 346.] Province of New Hampshire.

Att a Council held at Portsm^o^, by adjournm^t^, Oct. 29th, 1715.

Present.

The Honble Geo. Vaughan, Esq. Lt Govr.

Nathl Wear, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

The Honble Gov. Vaughan, Esq., Lt. Govr, &c., made a speech to this Board, as followeth:

Gent^n^: As this is the first opportunity I have had to

* "George Vaughan, son of Major William Vaughan (born April 13, 1676,) had been employed in England as an agent for the Province, which brought him into notice with many persons of influence about the Court. The acquaintance and connexion his father had formed there, and the good opinion entertained of him by some high in rank and authority, were of essential service to the son. Upon their recommendation he was appointed Lieutenant-Governor of New Hampshire. As he was a native of the Province and had the confidence of the people, this appointment was very agreeable to them, and particularly to his father, who was now in the decline of life." *Ad. Am. Portsmouth, p.* 132. It does not appear that Governor Burgess ever came to this country, so that the Government was administered by Vaughan, until the arrival of Governor Shute.—Ed.

sitt in this chair wth you, in order to serve the publick, so I do in the first place apply to you, who are the King's Council, whom I have called together for yor advice & assistance in all things that shall be for ye honour of the Crown or the benefit or advantage of this his Maj^ties^ Province, & I do assure you that my endeavors shall at no time be wanting to promote or effect the same.

1mo. I desire that you would consider the state of the Province in general in ord^r^ to yor advice, how I may be serviceable to it.

2do. I would be informed of the true state of ye Treasury & have a p'ticular acc^t^ of those branches of it (viz.) the Lumber, Powder mony, Import & Excise, as also w^t^ stores are in the Castle or belonging to it, as well to justifie myself as those that have gone before me.

3^tio^. I recommend to yor consideration, the miserable estate of his Maj'^ties^ Castle wch is part tumbling and part tumbled, that it may be repaired & taken care of in due season: as also the deficiency of ye goal & ye unsuitableness of its situation, w^r^by the King's prisoners are assisted by ill disposed p'sons in making their escape from Justice.

4to. I find by the Council records, a vote of Council & Assembly in April last, for burning £1000 Pro: bills, (it being part of £1500, then in ye treasury) [p. 347.] by the 10th of June last past, of wch more is yet remaining unburnt, £134: 19: 0., as also a vote for a Committee to take bonds of the p'sons that borrowed the £1500 out of the treasury, w^th^out mention of how much pr. cent, or in w^t^ time to be paid; I would be informed why the above sum is not burnt, & whether those bonds are taken, & if so, where they are lodged.

Ult^o^. I recommend to your consideration y^t^ speedy care be taken for an hon^ble^ reception of his Excellency Col. Burgess, our Govr w^n^ he shall arrive in this province, wch perhaps may be before he sees Boston; or in case that he shall arrive there first, that suitable p'sons be nominated & desired to wait on him to pay him ye necessary complim^ts^ in behalf of the governm^t^ of this Province.

I am yor humble servant,

GEO. VAUGHAN.

After reading ye foregoing speech his Hon^r^ the Lt. Govr told the board that he expected an answer in writing to all ye p'ticulars he had proposed:

Ordered, That ye Clerk give a copy of his hon^{rs} speech to Mr. Treasurer Penhallow, wth all convenient speed. Mr. Treasurer Penhallow desired the advice of the Council a^{bt} ye reception of Col. Burgess in case he should arrive in this Province before he doth in ye other Government: They answer, Col. Packer's house is ye most suitable place for his entertainment.

Ordered, That the Clerk write to Capt. Josh^{a} Winget and desire his comp^{a} at ye Council Cham^{br} in Portsm^{o} on Wednesday ensuing at 4 o'clock, P. M.

Adjourned to Wednesday, ye 2^{d} Novem^{br}, 1715, 4 o'clock, P. M.

[P. 348.] Prov. of N. Hampshire.

At a Council held at ye Council Chamber in Portsmouth, by adjournm^{t}. 9^{br} ye 2^{d}, 1715.

Present.

The Honble Geo. Vaughan, Esq., Lt. Govr.

Nathl Wear, Saml Penhallow, John Plaisted, } Esqs.

Mark Hunking, John Wentworth, } Esqs.

His Hon^{r} the Lieut. Govr told the Council that he expected an answer to his speech made to them on Saturday last, in writing, but seeing they had not offered any, he desired them to answer to the following p'ticulars as he should propose them.

1mo. As to the state of the Province in generall: The Council answer, There is a Justice wanting in ye Inferiour Court of Pleas.

2do. As to ye state of the treasury & the several branches thereof: Mr. Treasurer Penhallow answered, that he has an account of the lumber mony & excise mony, wch he then p'sented to his Hon^{r} together wth a memoriall of the State of the Province. He further said, he would take

care to serve his Hon^{r} with an account of the Impost mony as soon as possible.

3^{tio}. As to the goal: 'Tis the opinion of the Council that 'tis necessary that it be removed or repaired forthwith; but that nothing can be done in that matter wthout an assembly.

4to. As to the burning the remaind^{r} of the £1000, voted to be burnt by ye 10th June last, Mr. Treasurer Penhallow answered, that the money was ready, wch he p'sented to ye board; w^{n} it was counted over by Mark Hunking, Esq, & Capt. Josh^{a} Winget; but 'twas thought not convenient to be burnt without an assembly.

5to. Whether bonds are given for the £1500 borrowed out of the treasury; & if so, where they are lodged: The Council answer that some of themselves (who took of that money) had given bonds therefor, which were lodged wth Richd Gerrish, Esq.

[p. 349.] The Lieut. Govr desired to know, how those bonds came to be lodged with him, & who had gotten his bond: The Councill answer they do not know.

6to. Lastly, The Lieut. Govr told the Council he had again to recommend to their consideration an honourable reception of his Excellency, Col. Burgess, when he should arrive, w^{ch}, with ye other considerations wch he had proposed to them, did sufficiently demonstrate the present occasion of an Assembly's being called. The Council answer, That they are of his Hon^{rs} opinion in that matter, (viz.) That there is absolute need of an Assembly at this juncture, & they advised accordingly.

Prov. N. Hamp^{re}.

At a Council held at Portsm^{o},
Novr 10th, 1715.

Present.

The Honble Geo. Vaughan, Esq., Lt. Govr.

Robt Eliot, Richd Waldron, } Esqs. Saml Penhallow, Mark Hunking, } Esqs.

Mr. Treasurer Penhallow informing this board, that his Excellency Col. Dudley expects his half year's salary, according to Act of assembly, due the first inst.; The Council are of opinion that it ought to be paid; & desired the Lieut. Govr to sign a warr^{t} to ye treasurer for ye paym^{t} of the same.

Pro. N. Hamps^{re}.

At a Council held at Portsm^{o} Novr 29th, 1715.

Present.

The Honble Geo. Vaughan, Esq. Lieut. Govr.

Robt Eliot, Saml Penhallow, } Esqs. Richd Waldron, Mark Hunking, } Esqs.

John Plaisted, Esq.

[p. 350.] Joseph Randoll p'ferred a Petition to this board for a divorce from his wife Martha: after s^{d} Petition was read & no evidence appearing in his favour, it was ordered, y^{t} ye s^{d} Petition should be withdrawn.

The Clerk made application to this board for a new book to record ye minutes of Council and General Assembly in. Whereupon, Mr. Treasurer Penhallow was desired to supply the Clerk with a book accordingly.

His Hon^{r} the Lieut. Govr made the following motion to this board: (viz.) That whereas there is no officer upon ye spot commissioned by the King for surveying his Maj^{ties} woods and marking such trees as are fit for his Maj^{ties} service, it was necessary that there should be appointed

proper officers for that service, for ye preservation of the King's woods till his Maj^tys^ pleasure shall be known in that affair.

The Council answer, they are of his Hon^rs^ opinion in that matter; & accordingly proposed Messrs. Benjn Wentworth, jun. Phillip Chesley & Edw. Hall to be warranted for y^t^ service, they being employed in that business by the late survey^r^, Jno. Bridger, Esq. &c.

Whereupon warrants & notifications were signed by his Hon^r^ ye Lieut. Governour, accordingly.

Ensign Francis Matthews made application to this board for the sum of sixteen pounds, fifteen shillings & 8 d. due to him upon a muster roll, and allowed pr. ye Committee for auditing ye Publick accounts of this Province, anno 1712, as appears pr. [p. 351.] ye Council Records; and Mr. Treasurer Penhallow informing that the s^d^ sum was not paid; w^r^upon ye Councill desired the Lt. Govr to sign a warr^t^ for the paym^t^ of the same, which was accordingly done.

His Hon^r^ the Lieut. Govr proposed to ye Councill, the writing a letter to ye Lt. Govr, Councill & Representatives of his Maj^ties^ Prov. of Mass^a^ now sitting in Genl Assembly, to inform them of the grievance y^t^ this Governm^t^ is under, by reason of a late Act made in y^t^ Prov. entitled an Act granting unto his Maj^ty^ several rates & duties of import & tunnage of shipping: also, to propose them, ye appointing a Committee of both Prov^s^ to run ye Partition line between s^d^ Provinces; & so motions to them the appointing & sending proper p'sons into ye woods to acquaint themselves with ye Ind^n^ settlements in s^d^ woods, and ye best ways y^t^ lead to them.

A letter was wrote accordingly, a copy whereof on file bearing date Xb^r^ 2^d^, 1715.*

* This letter not to be found.

Pro. N. Hamps^{re}.

At a Council held at ye Council Chamber in Portsm^{o} Decr ye 6th, 1715.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

This day a new commission of the Peace was read at this board, bearing date Dec. 6th 1715, & the Honble Richd Waldron, Saml Penhallow, John Plaisted & Mark Hunking, Esqs. (being inserted in s^{d} Commission) took ye oaths appointed by Law, instead of ye oaths of allegiance & supremacy and subscribed ye Declaration; they also took ye oaths of Justices of the Peace for the Prov. afores^{d}.

[P. 352.] Joseph Smith, Theo. Atkinson, Richd Gerrish, Richd Hilton, John Frost, & Nathl Wear, Esqrs. being also inserted in s^{d} Commission, and being sent for, appeared at the Council board, where were administered to them the oaths appointed by law, instead of the oaths of allegiance & supremacy; also ye oaths of Justices of the Peace for this Province.

Pro. N. Hampsh^{re}.

At a Council held at ye Council Chamber in Portsm^{o} Dec. 8th 1715.

Present.

The Hon'ble Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Theo. Atkinson, Esq. being sent for to this Board, came accordingly, & then was read a new Commission for ye Justices for ye Inferiour Court of Common Pleas; and those

commissioned for y^t office (viz.) Richd Waldron, Jno. Wentworth, & Theo. Atkinson, Esqs. then took ye oaths appointed, instead of Allegiance & Supremacy, repeated and subscribed ye Declaration, & further took ye oath to the true discharge of their office. John Wentworth, Esq. also took ye oath of a Justice of Peace for this Province.

Pro. N. Hamps^re.

At a Council held at ye Council Chamber in Portsmouth, Dec 21st, 1715.

Present

Richd Waldron, Saml Penhallow,	Esqs.	John Plaisted, Mark Hunking,	Esqs.

John Wentworth, Esq.

James Davis, Nich. Gillman, & Saml Thing, Esqrs. being sent for to this board, came accordingly, where were administered to y^m the oaths appointed by Law to be taken, instead of ye oaths of Allegiance and Supremacy, also ye oath of a Justice of Peace.

[p. 353.] Pro. N. Hamp^r.

At a Council held at Portsmo, ye 14th Jany 1715–6.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Robt Eliot, Richd Waldron, John Wentworth,	Esqs.	Saml Penhallow, Mark Hunking, Jno. Plaisted,	Esqs.

Ordered, That a letter be wrote to his Excellency Col. Burgess, in answer to his letter pr. Col. Vaughan.

Pr. order of Council,

R. Waldron, Cleric Coun.

A Petition p'ferred to this board by Capt. Jno. Pickerin

being read a second time, ye s^d Pickerin made his appearance to prosecute ye same.

In Councill,

Ordered, that ye Clerk send a summons to ye town of Portsm^o to give their attendance at this board to morrow at ten o'clock in the forenoon, to shew cause if any there be, why ord^rs may not be given in favour of the Petitioners belonging to Portsmouth afores^d mostly residents on the south side of ye mill dam.

Pr. order, R. Waldron, Cleric Con :

In Councill.

Ordered, That Quampscutt petition be allowed and that a Patent be drawn accordingly.

Pr. order of ye Lt. Gov. & Council.

R. Waldron, Cleric Coun.

[p. 354.] Pro. N. Hamp^re.

At a Council held at Portsm^o Jan. 14, 1715–6.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Robt Eliot,	Esqs.	Saml Penhallow,	Esqs.
Richd Waldron,		John Plaisted,	
Nath. Weare,		Mark Hunking,	

John Wentworth, Esq.

Ordered, that ye P'sonage land w^thin Swampscutt Patent, belonging to Exeter, & other land w^thin s^d Patent belonging to ye minister of Exeter,* shall be exempt from taxes while his land. Pr. order,

R. Waldron, Cl. Coun.

In Councill.

Ordered, That ye Reverend Messrs. Nathl Rogers & Jno. Emerson be ye two established ministers of the town of

* Rev. John Odlin was settled in Exeter, in 1706, and died 1754, aged 72.

Portsm^{o}, and that they be each paid one hundred pounds pr annum out of ye treasury of ye town of Portsm^{o}, aforesd, according to the orders made by his Excellency Col. Dudley, the Council and Assembly of this Province in May, 1714; and that the Selectmen of the town of Portsm^{o} aforesd for ye time being, give out their warrants from year to year to ye Constables, for collecting the same, and all such as are inhabitants (rateable by law) of sd town, in proportion, except those that are of the Parish of Greenland; and further y^{t} the P'sonage house on ye south side of ye mill dam be built at ye publick charge of the town, except as before excepted. Also y^{t} as ye N. meeting-house was built by a Publick tax, ye old one be repaired, and both maintained from time to time out of a joynt stock, and that ye two petitions relating to this matter (viz.) ye Petition preferred by Capt. Pickerin and ye petition p'ferred by Mr. Jaffrey, be dismist.

[Pr order of ye Lt. Gov. & Councill.

R. Waldron, Cleric Con.

[P. 355.] Pro. N. Hamp^{re}.

At a Council held at the Council Chamber in Portsm^{o}, Feby ye third, 1715–6.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

John Plaisted, Saml Penhallow, } Esqs. Mark Hunking, John Wentworth, } Esqs.

Ordered, That ye members of ye House of representatives of this Prov. be severally notifyed to give their attendance in Gen^{ll} Sessions at Portsm^{o}, on Monday next, at 10 o'clock, A. M. for ye King's service, & that ye Clerk write letters to them accordingly & give a warrant to ye sheriff for sending the same.

Pr order, R. Waldron, Cl. Con.

In Councill.

Ordered, That upon application of ye sheriff setting forth ye deficiency of ye goal, & ye return of an escape into the same, the Clerk give a warr^t^ to ye sheriff, to impress two men each night to watch s^d^ goal for ye better security of the Escape therein, till ye sessions of the next Superiour Court of Judicature, or further order.

R. Waldron, Cleric Con.

Pro. N. Hamp^re^.

At a Council held at ye Council Chamb^r^ in Portsm^o^, March 7th, 1715–6.

Present.

Robt Eliot, Saml Penhallow, } Esqs. John Plaisted, Jn. Wentworth, } Esqs.

John Menzies, Esq. appeared before the Council & presented unto them his Patent from King George, constituting him Judge of the Admiralty w^th^in this Prov: & others wch s^d^ Patent empow^rs^ ye s^d^ Menzies to depute, two or more, as he sees meet under him. It is dated Aug. 26, 1715, sealed wth ye seal of the Admiralty of Great Brittain, & signed by Saml Hill, Register.

Upon reading the Patent afores^d^, ye s^d^ John Menzies, Esq. had ye oathes, instead of ye oathes of allegiance & supremacy, administered unto him in Council.

[P. 356.] Prov. of N. Hamp^re^.

At a Councill held at the Councill Chamber in Portsm^o^, March 14, 1715–6.

Present.

The Hon. Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Sam. Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

Mr. Smith appeared at this Board in behalf of sundry Inhabitants of Swampscut & p'sented a petition (agst making Swampscut a town) as on file; bearing date, Jan. 14th, 1715–6.*

Notwithstanding wch petition & sundry other objections wch have been made since ye first motions ab^{t} making s^{d} Squampscut a town, it is

In Council

Ordered, That Squampscutt Patent land be a township by the name of Stratham, & have full power to chose officers as other towns wthin this Province, & that the bounds of s^{d} town be according to the limits specified in a petition p'ferred to this board by Mr. Andrew Wiggin, the 13th day of Jany last, except some families lying near to Greenland, (viz.) John Hill, Thos^{s} Letherby, Enoch Barker, & Michael Hicks, wch s^{d} some families shall belong to the Parish of Greenland: And that a meeting house be built on the King's great road leading from Greenland to Exeter, wthin half a mile of the midway between ye bounds y^{t} are next Exeter & the bounds that are next Greenland, as the road goes; and that the [y] be obliged to have a learned orthodox minister to preach in said meeting-house wthin one year from ye date hereof.

R. Waldron, Cleric Con.

In Council

Ordered, That Thursday next ensuing be kept a day of Publick fasting & prayer throughout this Prov: & that Proclamation be issued out accordingly.

R. Waldron, Cleric Con.

* See all the papers on file relating to Town of Stratham, in subsequent volume "Towns."

[P. 357.] Prov. N. Hamp^{re}.

At a Councill held at Portsm^{o}, March 19th, 1715–6.

Present.

The Hon'ble Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Saml Penhallow, } Esqs. Jno. Plaisted, Jno. Wentworth, } Esqs.

His Hon^{r} the Lt. Govr laid before the board a letter wch he had received (by an Express), from Col. Tailer, importing y^{t} there was a design among the Indians to make an onsett on some part of New England, wch advice he had from Col. Hūter of New York, by a letter from him, together wth report of the Committee for ye Indian affairs; a copy of wch report & of Col. Hūters letter to Col. Tailor, & Col. Tailor's letter to Col. Vaughan are all on file, dated March 19th, 1715–6.

Upon reading ye letters and report above mentioned, relating to the Ind^{ns}, it was

In Councill

Ordered, That ye commanding officer at Exeter be forthwith sent for to appear at the Councill board, & y^{t} Edwd Hall be also notifyed to make his appearance in Councill to morrow, 10 o'clock, A. M.: It is also ordered that Capt. Davis be forthwth sent for to advise us w^{t} may be proper at this juncture; further 'tis ordered that copies of Col. Hunter's & Col. Tailor's letters together wth a copy of the report of ye Committee for Ind^{n} affairs be immediately expressed away to Lt. Col. Pepperill in ye Prov: of Main.

Adjourned to tomorrow, 10 o'clock A. M.

[p. 358.] Pro. N. Hamp^{re}.

At a Council held at the Councill Chamber in Portsm^{o}, March 20th 1815-6.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

The Gent^{n} officers that were sent for last night are now p'sent in Councill. Mr. Tho. Davis was sent for to this board, who appearing, it was proposed to him, y^{t} he wth two more should scout in the woods under a pretence of hunting, to see what discovery might be made of the Ind^{ns} & their motions; that they should be abroad eight days from Thursday next, at which time they are to sett out on their march, & that they shall each be allowed 4s per diem, for their service, they finding their own provision. Mr. Davis agreed to the proposals above.

Ordered, That another scout be employed and sent into the woods from Exeter upon the same account & on the same terms; & the Council pray his Hon^{r} the Lt. Govr to give ord^{r} accordingly.

R. Waldron, Cleric Con.

Prov. N. Hamp^{re}.

At a Council held at Portsmo', June 3, 1716.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Saml Penhallow, Jno. Plaisted, } Esqs. Mark Hunking, John Wentworth, } Esqs.

An Express from his Hon^{r} Lt. Govr Tailor was this day read at the board, together wth the order of ye house of Mass^{s} Representatives relating to the Ind^{ns} at the Eastward; also a copy of the Lt. Govr Tailor's order to Messrs. Watts & Joyles, &c. as on file; upon reading of wch Mr. Saml

Hinkes was sent for, who appearing at the board, was agreed with to go & joyn wth Messrs. Watts & Joyles as a messenger from this Governm^{t}, to act wth y^{m}, in behalf of this Province in that affair, and that he have ten shillings per diem [p. 359.] out of ye treasury; he finding himself subsistance; and that the s^{d} Mr. Hinkes have an instruction thereab^{t}, and that a letter be wrote from hence to Messrs. Watts & Joyles to inform them accordingly.

Pro: N. Hamps^{re}.

At a Councill held at the Councill Chamber in Portsm^{o}, June 6th, 1716.

Present.

The Honble George Vaughan, Esq. Lt. Govr.

Robt Eliot,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

This day sundry Ind^{ns} appearing at this board & being interrogated as to some disorders committed by them, answered as on file, dated June 6th, 1716.

Pro. N. Hamp^{re}.

At a Council held at Portsm^{o} July 28, 1716.

Present.

The Honble George Vaughan, Esq., Lt. Govr.

Nathl Wear,	Esqs.	John Plaisted,	Esqs.
Richd Waldron,		Mark Hunking,	
Saml Penhallow,		John Wentworth,	

A Petition was p'ferred to this board by Jno. Hinks, Esq. ab^{t} settling his accounts wth Mr. Treasurer Penhallow, &c. which being read was ordered to be referred to the Committee of Auditts at their next sessions, which s^{d} Petition is on file, bearing date, June 28th, 1716.

Pro. N. Hampsh^re^.

At a Council held at New Castle, Aug. 1, 1716.

Present.

The Hon. George Vaughan, Esq. Lt. Govr.

Robt Eliot, Richd Waldron, Saml Penhallow, } Esqs. Mark Hunking, Jno. Wentworth, } Esqs.

A letter from his Hon^r^ ye Lt. Govr of Mass^a^ to Lt. Govr Vaughan, bearing date July 24, 1716, was read at this board [p. 360.] relating to the sending Commissioners to ye Ind^ns^ at Nurridgwock to treat wth them, &c. There was also read at the Council board a copy of a fryar's letter from Nurridgwock, translated into the English tongue, bearing date, July 8th, 1716.

In Council

Ordered, That Capt. Moody be desired to act in behalf of this Prov., in the affair of the Indians, as he doth in behalf of the Massa'; and the Councill desire the Lt. Govr to give Instructions accordingly.

In Councill

Ordered, That Thursday, the sixteenth of this instant, be observed a day of Publick Thanksgiving, &c.

Prov: N. Hamp^re^.

At a Council held at Portsm^o^, Oct. 17, 1716.

Present.

The Hon^bl^ Geo. Vaughan, Esq. Lt. Govr.

Richd Waldron, Saml Penhallow, } Esqs. John Plaisted, Mark Hunking, } Esqs.

John Wentworth, Esq.

This day his Excellency Saml Shute,* Esq. p'sented his

* *Journey of Gov. Shute from Boston to Portsmouth, October,* 1716.

[Coll. N. H. Hist. Soc. Vol. 4, pp. 249-251, copied from an ancient paper.]

"On Monday last, his Excellency our Governor proceeded on his journey to New Hampshire, being attended out of town by several of his Majesty's Council [of Massachusetts] the sheriff of the County, with other gentlemen and officers, and at Cambridge was first received by several of his Majesty's Justices, with the sheriff of the

Letters Patents, under the great seal of Great Brittain, to this board, appointing him Capt. Gen[l] & Gov[r] in Chief of his Maj[ties] Prov. of N. Hamps[r] w[ch] said letters Patent being publickly read, his Excellency took the oaths appointed by Law to be taken & then took his place at y[e] Board accordingly.

In Council

Ordered, That the Clerk issue out a Proclamation for the continuance of all officers till further order.

Pro. N. Hamp[r].

At a Councill held at Portsm[o], Oct. 18, 1716.

Present.

His Excellency SAMUEL SHUTE, Esq. Gov[r].

His Hon[r] Geo. Vaughan, Esq. Lt. Gov[r].

Sam[l] Penhallow, Mark Hunking, } Esqs. John Wentworth, Esq.

[p. 361.] Ric[h] Gerrish, Theo. Atkinson, Geo. Jaffrey, Shad[r] Walton, Rich[d] Wibird, Thom[s] Phipps & Thom[s] West-

county of Middlesex, and a troop of horse of Col. Phip's Regiment. At the College, his Excellency was waited on by the President, Fellows and students, into the hall, and there saluted with an oration by Mr. Foxcroft, one of the Masters of Art of that house. At Lewis's his Excellency was met by the several gentlemen of the Council from Salem, and one of the sheriffs, and a troop of horse of Col. Brown's regiment; at Salem, his Excellency was entertained at Col. Brown's, where as well the ministers of that and the neighboring towns, as the Gentlemen and officers, civil and military, congratulated his Excellency's safe arrival to his Government.

On Tuesday, the Governor was received on the road towards Wenham by Capt. Heink's troop of horse, and at Wenham by the other sheriff of the county of Essex and a troop of horse belonging to Col. Appleton's regiment. A Tuesday night, his Excellency lodged at the Hon. the Lieut. Governor's, and the next morning was attended by a troop of horse belonging to Col. Noyes' regiment, with the Gentlemen and others from Newbury. At Salisbury, near the line between the two provinces, his Excellency was met by the Honorable the Lieutenant Governor of New Hampshire, several of his Majesty's Council, the sheriff, with a number of Gentlemen and others of the Province of New Hampshire, being guarded by a troop of horse from Hampton, and after that, met by a troop of horse from Exeter, and at Hampton Town, four companies of foot were drawn up upon the Common before Capt. Winget's, where the Governor dined."

"*Portsmouth*, New Hampshire, Wednesday, 17th October. This day, about 5 o'clock P. M. his Excellency Saml. Shute, Esq. our Governor, arrived at this place, being brought to town by the Hon'ble our Lieut. Governor, Council, a great number of our gentlemen and officers, as well as some from the neighboring Province, and welcomed by the discharge of cannon of our castle and the ships in the [harbor.] Our regiment was under arms flanked with two troops of horse. His Excellency went directly up to our Council House, and there published his commission, after which the regiment discharged their volleys, and the people their huzzas, in token of their great and unfeigned joy upon this, so happy an occasion. His Excellency lodged at Mr. Penhallow's."

brook, being summoned to this Board pr order of his Excellency, appeared accordingly; at which time his Excellency informed them that they were appointed to be the King's Councill for this Province. Thom^{s} Phipps, Esq. desired to be excused; the others accepted. Whereupon his Excellency appointed their meeting on Monday next, at 10 o'clock, to take the oaths, &c.

Adjourned to Monday next, 10 o'clock, A. M.

Pro: N. Hamp^{r}.

At a Councill held at Portsm^{o} by adjourn^{t} 8br. 22^{d}, 1716.

His Excellency Saml Shute, Esq. Govr.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. John Wentworth, Esq.

Richd Gerrish, Theo. Attkinson, Geo. Jaffrey, Shad^{r} Walton, Richd Wybird, & Thos. Westbrook, Esq. appeared at this Board in order to be sworn of ye Councill. Col. Smith desired to be excused. The others took the oaths, &c. and then took their places at the board accordingly.

In Councill

Ordered, That the Clerk issue out a Proclamation for proroguing the Genl Assembly of this Province to Wednesday ye 21st 9br, 1716.

Prov: N. Hamp^{r}.

At a Councill held at Portsm^{o}, 9br. 13th, 1716.

Present.

The Hon^{hle} Geo. Vaughan, Esq., Lt. Govr.

Mark Hunking, Jno. Wentworth, Geo. Jaffrey, Theo. Atkinson, } Esqs. Shad^{rc} Walton, Richd Wibird, Thom. Westbrook, } Esqs.

His Hon^{r} the Lt. Govr desired ye opinions [p. 362.] of

this board, whether, when Col. Shute is in Massa. himself is not Command^{r} in Chief of N. Hamp^{r}. Jno. Wentworth, & Geo. Jaffrey, Esqs. desired to suspend their opinions in that matter.

In Councill

Ordered, That the Clerk write his Excellency Govr Shute & inform him of two actions entered, to be tryed before the Govr and Councill by appeal, and that the trial be suspended till ye 2^{d} Tuesday in Jan^{y} &c.

Pro. N. Hamp^{r}.

At a Council held at ye Council Chamber in Portsm^{o}, Novem. 26, 1716.

Present

The Hon'^{ble} Geo. Vaughan, Esq. Lt. Govr.

Saml Penhallow, Shad: Walton, } Esqs. Richd Wibird, Thom^{s} Westbrook, } Esqs.

The Clerk of the Council laid a letter before this Board, signed by John Boydel, bearing date 9br. 23, wch letter being read, it was

In Councill

Ordered, that the Clerk write to his Excellency the Govr, and tell him that ye Councill is of opinion, that any directions respecting the dissolution of an Assembly or calling one is a matter that ought to be unde^{r} his Excellency's own hand, and directed to his Hon^{r} ye Lt. Govr when there is one on the spot.

In Councill,

Ordered, that Thursday the fifth of December next be observed a day of Publick Thanksgiving throughout this Province; And that Proclamations be issued out accordingly.

Richd Waldron, Cler. Con.

[p. 363.] Pro: N. Hamp^{r}.

At a Council held at Portsm^{o} Jan. 11, 1716-7.

Present.

His Excellency Samuel Shute, Esq. Govr.

His Hon^{r} Geo. Vaughan, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno. Wentworth,		Shad Walton,	
Richd Gerrish,		Richd Wibird,	

Thom^{s} Westbrook, Esq.

Mr. Francis Wainwright came to ye Council board and p'sented a Petition and information agst Mr. Sherriff Phipps, for neglecting his duty in the execution of his office, as on file, Jan. 11th, 1716–7.

Prov. N. Hamp^{r}.

At a Council held at Portsm^{o}, Jan. 11th, 1716-7.

Present as before, except Mr. Penhallow.

This day severall Indians appeared at this Board, at wch time there was some talk past between the Govern^{r} and them, as on file, Jan. 17th, 1716-7.

In Council

Ordered, That the Ind^{ns} that came to wait on his Excellency the Govr, be p'sented each wth a new blancket and that ye Treasurer be desired to make provision accordingly.

James Jaffrey p'ferred a Petition to this board to become a banckrupt, &c., wch petition was granted and the Commissioners appointed for that business are Messrs. Gambling, Fellows & Hughes.

Elisha Cook and Oliver Noyes, Esq., p'ferred a petition or rather memorial & appeal to this board, from Richd Waldron, Esq., Judge of Probate, as this is the Supream Probate of the Province.

In Council

In answer to the appeal and memorial of Elisha Cook

and Oliver Noyes, Esq., ab^{t} the takeing letters of administration on ye estate of Sr Charles Hobby,* deceased, we are of opinion, that Richd Waldron, Esq., Judge of Probate, &c., has done well to suspend the granting letters of administration to ye s^{d} Elisha Cook and Oliver Noyes, for the prosecution.

[P. 364.] His Excellency the Govr proposed Richd Gerrish and Geo. Jaffrey, Esq., to supply the vacancy in ye Superiour and Inferiour Court, wch was consented to in Council.

In Council

Ordered, That the Clerk write to Col. Waldron, to supply the surveyors of the woods each wth four men to attend them, when they are going upon a survey for the King's service.

R. Waldron, Cler. Con.

This day Saml Penhallow, Mark Hunking and Geo. Jaffrey, Esqs., took the oaths of Justices of the Superiour Court of Judicature for this Pro: & Richd Waldron, Jno. Wentworth, Theo. Atkinson, and Rich Gerrish, Esqs., the Justices Oaths of ye Inferiour Court, &c.

Pro: N. Hamp^{r}.

At a Council held at the Council Chamber in Portsm^{o}, Jan. 28, 1716-7.

Present.

His Excellency, Saml Shute, Esq. Govr.
His Hon^{r} George Vaughan, Esq. Lt. Govr.

Mark Hunking,	Esqs.	Geo. Jaffrey,	Esqs.
Jno. Wentworth,		Shad. Walton,	
Richd Gerrish,		Richd Wibird,	
Theo. Atkinson,		Tho. Westbrook,	

Theo. Atkinson and Shad. Walton, Esqs., were appointed

* See Journal of Council and Assembly, Vol. III.

to view the stores in the powd^{r} house; who made return that there was there fifty-eight barrels powd^{r} & forty-six guns.

In Council

Ordered, That Mr. Cambell, the post master, be paid three pounds for his past service and respect to this governm^{t}.

In Council

Ordered, That the Clerk issue out a p'cept for calling an Assembly to meet on Wednesday, ye 17 April next.

In Council

Declared and protested agst the house of representatives answer in some paragraphs, wch have no relation to the Gov^{rs} speech, ye s^{d} answer bears date, Jan. 11, 1716-7 as on record.*

[P. 365.] Prov. N. Hamp^{r}.

At a Council held at Portsm^{o}, May 1st, 1717.

Present.

The Honble Geo. Vaughan, Esq., Lt. Govr.

Geo. Jaffrey, Shad. Walton, } Esqs. Richd Wibird, Esq.

In Council

Ordered, That the Clerk forthwith issue out & publish a Proclamation in the Lt. Gov^{rs}. name, to lay an Imbargoe on all vessels outw^{d} bound, till further ord^{r}, except such as are bound on fishing voyages.

Richd Waldron, Cler. Con.

Pro: N. Hamps^{r}.

At a Council held at N. Castle, May 4, 1717.

Present

His Honour Geo. Vaughan, Esq., Lt. Govr.

Theo. Atkinson, Shad. Walton, Thom^{s} Westbrook, } Esqs.

* See Journal of Council and Assembly.

Mr. George Walton p'ferred a Petition to this board to become a banckrupt, who was admitted to take the oath of a banckrupt, but the making out a Commission, &c., was suspended for some time.

Pro: N. Hamp^{r}.

At a Council held at Portsm^{o}, May 10th, 1717.

Present.

His Excellency Saml Shute, Esq., Govr.

His Hon^{r} Geo. Vaughan, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Geo. Jaffrey,	
Jno. Wentworth,		Shad. Walton,	
Richd Gerrish,		Richd Wibird,	

Tho. Westbrook, Esq.

Richd Carr, master of ye Sloop Prud^{t} Sarah, appeared at this board & made information on Oath of a pirate sloop on the coast, by wch he had been taken, as on file, bearing date, May 10, 1717.

[P. 366.] Pro. N. Hamps^{r}.

At a Council held at the Council Chamber in Ports: May 20, 1717.

Present—His Excellency, the Govr.

His Hon^{r}, the Lieut. Govr.

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Theo. Atkinson,		Tho. Westbrook,	
Geo. Jaffrey,			

His Hon^{t} the Lt. Govr made the following Speech at the Council board:

May it please your Excellency—

Your Excellency's last arrival was well pleasing to ye whole Governm^{t}; your administration easy; yor endeavors to pacify & moderate all feuds and broils, and we all in good temper.

May it please your Excellency:

My indisposition by reason of a great cold increasing, and my habitation remote, makes me solicitous of getting home; and heartily to wish yor Excellency a good journey to yor other Governm^t; but before I take my leave, I think it my duty frankly and plainly to inform your Excellency that as his most excellent Majesty, our Sovereign Lord the King, hath reposed much trust in my circumspection, &c., as Lt. Govr of this Prov: that I shall with all vigor and readiness attend His Maj^ties service in that capacity to the utmost of my power; and in ord^r hereto, I pray leave to inform your Excellency and the Honble the Council now p'sent, that summe occurrences for his Maj^ties immediate service at this conjuncture of affairs, may unforeseen come upon us—your Excellency having had sundry expresses of pirates about us, w^thin a few days, and this very day—and that however I think it absolutely my incumbent duty to do my utmost service for the Hon^r of the Crown and the benefit of this His Maj^ties Governm^t, but as yet I have suspended doing any thing but what was more than ordinarily necessary, till yor Excellency's Commission was lodged among us, a copy of which I have now seen; and now find when your Excellency is out of ye Prov: of N. Hamp^r the Lt. Govr governs by the King's Commission; [p. 367.] and when no Lt. Govr on the spot, the first Council^r named in yor Instructions, as amply and fully, as if yor Excellency was in the Province of N. Hamp^r, and that by virtue of your instructions, in ord^r to which I give it as my opinion, they should be lodged in ye Secretary's office for the benefit of his Maj^ties Governm^t.

May 20th, 1717. GEO. VAUGHAN.

Pro: N. Hamp^r.

At a Council held at Portsm^o,
May 29th, 1717.

Present.

The Honble Geo. Vaughan, Esq., Lt. Govr.

Saml Penhallow, Mark Hunking, Theo. Atkinson, Geo. Jaffrey, } Esqs.

Shad. Walton, Richd Wibird, Tho. Westbrook, } Esqs.

His Hon^{r} the Lt. Govr made the following speech at the Council Board:

Gen^{t}: I am informed His Excellency Col. Shute vacated all offices civill and military, when in the Prov: of N. Hamp^{r}, and went out of it leaving none to execute pow^{rs} as Justices of the peace and military officers, capable so to act.

My knowledge is by hear-say; for he never advised me nor with me in one or the other disannulling pow^{r} or giving any.

I am obliged to say, that it is strange that ye King's Governm^{t} should be destitute of pow^{r}, especially when the Gov^{rs} repeated opinion has been, that there is no pow^{r} but what is vested in himself and those by him ordained, tho' he be wthout ye limits of the Governm^{t}.

I w^{d} have you know, the Hon^{r} of His Maj^{ties} Commission for Lt. Govr of N. Hamp^{r}., and the reason of my requiring your attendance at this time, is to ask yor advice for the King's service.

I think it safe y^{t} all civill officers should be commissionated by advice of Council; I would therefore have you consider amongst yourselves ye necessary for the service of the [p. 368.] Governm^{t}.

I have examined the Clerk's minutes & find no such thing there sett down; I have enquired of him & other councill^{rs}, whose advice was never asked, & know nothing of the affair. I have heard that a Commission of the Peace was left. I have askt the Clerk if he inserted the names therein pr the Gov^{rs} order: he answered, No: Again, whether the Govr left the Com^{sn} with him: He answered, No; but that the Govr told him there was a Commission of the Peace left wth Mr. Penhallow to be delivered to him again; when Mr. Penhallow give him that Commission he answered not at all, but that it was given him by Mr. Jaffrey, on Fryday last.

Gen^{t}: I am sorry that I myself, and many of his Maj^{ties} Council should be ignorant of these matters, that we might have given our advice for the King's and the Governm^{nt} best interest, as we are ready and sworn to do.

I am impowered by my own as well as by the Gov^{rs} Commission to act when he is out of the Province; and will endeavour faithfully to execute the trust reposed in me,

and expect to meet wth no obstruction from any of the King's ministers in all reasonable and lawful matters.

The limitts of the Prov: is exprest in Col. Shute's Commission, and when he is not wthin them limitts, but forty miles distant, he must be out of said Prov:, and, consequently absent, & if so, uncapable of acting as Commander-in-chief till his return into s^{d} Province, wch are the plain words of his Commission. I expect your advice and opinion to be given me in writing, and therefore will direct the clerk to wait on you with a copy of w^{t} I have said. In fine, Gent^{n}:—tis demanded of you whether or no I am vested wth pow^{r} as Lt. Govr & Commander-in-Chief, his Excellency Col. Shute being at Boston.

May 29th 1717. GEORGE VAUGHAN.

[P. 369.] The aforesaid speech being read, the Lt. Govr withdrew, & then the speech was read a 2^{d} time; after which the clerk was askt pr ye Council, whether he had waited on the Lt. Govr wth the Commission of the Peace: he answered, That as soon as he had it in his custody, he informed the Lt. Govr of it, & told him, that it was his Excellency's direction to the Lt. Govr sent by the clerk of the Council, to summon ye Council to meet and swear the gent^{m} inserted in s^{d} Commission.

Adjourned to 4 o'clock, P. M.

Pro: N. Hamp^{r}.

Met according to adjournm^{t}.

Present,—as before—except ye Lt. Govr.

In answer to his Honor, the Lt. Gov^{rs} speech, ye Coununcil say, That 'tis their opinion That the Commission of ye Peace left in the Prov: by his Excellency Govr Shute is good, and that ye Gent^{n} inserted in s^{d} Commission ought to be forthwith sworn; and further, that ye Commission was filled up pr ye Govr by ye advice & in ye presence of a maj^{r} part of ye Council, & and also that all ye officers, commissioned by him should be forthwth sworn, that are not so already.

Pro. of N. Hamp^{r}.

At a Council held at Portsm^{o}, June 4th, 1717.

Present.

The Honble Geo. Vaughan, Esq. Lt. Govr.

Saml Penhallow, Jno. Wentworth, } Esqs. Mark Hunking, Geo. Jaffrey, } Esqs.

Thom^{s} Westbrook, Esq.

The Commission of the Peace being read at the Council board, Saml Penhallow & John Wentworth, Esqs., took ye oaths appointed to be taken, instead of ye oaths of allegiance and supremacy, ye abjuration oaths & the oath of a Justice of ye Peace.

Richd Waldron, James Davis, Nich^{s} Gillman, Saml Thing, Saml Easman, Jotham Odiorne, Jno. Gillman and Andrew Wiggin, being inserted in ye Commission [p. 370.] of the Peace, took the oaths, &c.

His Honor, the Lt. Govr, was pleased to make the following speech at this board:

Gent^{n}.

I understand an Express was sent to Boston: if the King's service required it, why was it not made known to me? I expect no such thing be done for ye future, as any will answer it at their perill.

I expect to be treated honorably and according to ye Commission I am intrusted with, & will allow of no pow^{r} to dispense wth orders and warr^{ts} for any thing, but are immediately warranted so to do from his Maj^{ty}; & none of the Council is so, when the King's Govr or Lt. Govr is on the spot: therefore, let it not be so again.

George Vaughan.

His Honor, the Lt. Govr told Mr. Treasurer Penhallow that it was his direction to him that no money should be paid out of ye treasury, but by warr^{t} therefor, wch is agreeable to the King's Commission.

Maj^{r} Peter Wear & Mr. Nathl Sargent appeared at ye Council board & took ye oaths as Justices; they being inserted in ye Commission of the Peace.

Nath[l] Wear, Shad. Walton, & Tho[s] Packer, Esqs. also took the oaths as Justices, they being inserted in s[d] Commission.

Prov: N. Hamp[r].

At a Council held at y[e] Council Chamber in Portsm[o], July 15th 1717.

Present.

The Hon[ble] Geo. Vanghan, Esq. Lt. Gov[r].

Sam[l] Penhallow, Jno. Wentworth, } Esqs. Geo. Jaffrey, Rich[d] Wibird, } Esqs.

John Frost, Esq. command[r] of the ship Bonetta Pinck, [p. 371.] & Mr. Pasco Foot his mate, & James Philpot boatswain, appeared at this board and made oath, as follows: That in the latitude 36, bound from Barbadoes to Piscataqua, they were taken by a pirate ship called the Le Grand;—— master, on the 4th of this instant July, who took from them & destroyed a[bt] forty hogsheads of rum, a hogshead and several barr[ls] of sugar, a negro man, together wth other goods; and very much damnafyed y[e] ship sails and rigging: wherefore the s[d] John Frost, saveing himself and own[rs] doth, by these presents, protest ag[st] y[e] s[d] Pirate for all damages sustained thereby. The s[d] pirate ship had 170 men, 20 guns & was 250 tons.

The Information concerning s[d] pirate is on file, dated July 15, 1717.

Pro: N. Hamp[r].

At a Council held at Portsm[o] July 17, 1717.

Present.

His Hon[r] the Lt. Gov[r].

All the Council except Capt. Gerrish.

This day the Commission officers of the Militia of the Prov: of N. Hamp[r] being notifyed to appear, came to the Council board & there received Commission in Gov[r] Shute's name & took y[e] oaths accordingly.

Col. Packer this day took y[e] oaths as a Justice of y[e] superiour Court of Judicature.

Pro: N. Hamp^{r}.

At a Council Held at Portsm^{o} July 25, 1717.

Present.

Saml Penhallow, Mark Hunking, } Esqs. John Wentworth, Richd Wibird, } Esqs.

Thom^{s} Westbrook, Esq.

Saml Penhallow, Esq. laid a letter from the Govr before this board, dated July 22^{d}, 1717, informing that his Excellency was bound to the eastward, to visit the Ind^{ns}, and that he would be glad that Mr. Penhallow and Capt. Wentworth, and any other Gent^{n} would accompany him from hence, [P. 372.] which letter being read and considered, it was resolved that the notices given being so short, ye Gent^{n} of the Council, had not opportunity to prepare for ye voyage, as a Govern^{t}, there being no vessel in ye harbor fitt for the service.

Pro: N. Hamp^{r}.

At a meeting of five of the Council at Mr. Field's, Augt 3^{d}, 1717, viz.

Present.

Saml Penhallow, Mark Hunking, Jno. Wentworth, } Esqs. Theo. Atkinson, Richd Wibird, } Esqs.

Whereas, on June 25, 1717, there was a letter read at the Council board, bearing date, July 22^{d}, 1717, from the Govr to Mr. Penhallow, importing that it would be agreeable to the Govr for Mr. Penhallow and Capt. Wentworth, and any other Gent^{n} of the Council, to accompany him on a voyage to the eastward, to make a visit to the Indians whither he was then going; and, Whereas ye answer of ye Council thereto was, that ye notification given was so short that ye Council had no opportunity as a Govern^{mt} to prepare for ye voyage: But ye Council understanding afterwards y^{t} the Gov^{s} voyage would not be so soon as they expected:

Voted, That as many Gent^{n} of the Council as see meet to attend the Govr on s^{d} voyage, be supported at the charge of ye Governm^{t}.

R. Waldron, Cler. Con.

Augst 5th 1717.

Saml Penhallow and Mark Hunking, Esqs. informed the Clerk of the Council that he not being to be found on Saturday night last, to make a record of a vote of Council wh^{ch} was then past, that they were now come, in ye name of the Council, to let him know w^{tt} ye vote was, & to order an entry thereof: it is as follows:

Voted, That the Clerk of ye Council issue out a Proclamation for ye adjourn^{mt} of ye Superiour Court of Judicature, to Tuesday, ye 27th instant, for ye reason that two of the Justices of s^{d} Court were going to the Eastward, to wait on his Excellency ye Govr, on a visit to ye Ind^{ns}*.

[P. 373.] Pro: N. Hamp^{r}.

At a Council held at the Council Chamber in Portsm^{o}, Sept. 30th, 1717.

Present in Councill.

His Excellency Saml Shute, Esq. Govr.
His Hon^{r} Geo. Vaughan, Esq. Lt. Govr.

Mark Hunking, Jno. Wentworth, Geo. Jaffrey, } Esqs.
Shad. Walton, Richd Wibird, } Esqs.

His Excellency the Govr informed this Board y^{t} he had received a complaint from Saml Penhallow, Esq. agst the Lt. Govr for his irregular proceedings agst him in suspending him from the Council wthout just cause; then his Excellency read that part of his Instructions, wch relates to

* This Conference and Treaty with the Indians will be found with other Indian Treaties in Vol. III of Province Papers.—Ed.

ye suspension of Councillors at the Council board, and asked the Lt. Govr whether he had any instructions that superceded his, or were contrary to them; the Lt. Govr not producing any, it was ordered that the minute of Council ab^t Mr. Penhallow's suspension should be read; which being done, the Govr asked the opinion of the Council, whether the suspension was legal: They answered, it was illegal. The Govr asked the opinion of the Council, whether (whereas he had ordered the Lt. Govr to prorogue the Assembly & he had p'etended to dissolve it; & whether since the Lt. Govr had acted illegally in ye suspension of Mr. Penhallow) it was not for the Hon^r of the Crown and the safety of the Province that the Lt. Govr should be suspended from sitting in Council till his Majesty should be advised thereof, and his pleasure be further known. The Council answered, yes; & voted it, *nemine contradicente.*

Whereupon his Excellency the Govr pronounced him suspended accordingly; and afterwards, Mr. Penhallow was sent for and restored by the Govr, and took his place at the Council board accordingly.

[P. 374.] Pro: N. Hamp^r.

At a Council held at Hampton, Sbr. 14th 1717.

Present in Councill.

His Excellency Saml Shute, Esq. Govr.

Saml Penhallow,	Esqs.	Theo. Atkinson,	Esqs.
Mark Hunking,		Shad. Walton,	
John Wentworth,		Richd Wibird,	

This day Maj^r Peter Wear, Esq. appeared at this board and p'sented a pp [petition] to his Excellency ye Govr, signed by himself, wherein he acknowledges himself to have done amiss,—referring to the last session of the Genl Assembly,—and asked pardon for his so doing: whereupon the Govr pronounced him restored to his Major-ship, and with

the advice of the Council, to his Justice's place, and ordered that his bonds of good behaviour, &c. be delivered up unto him.

Richd Waldron, Cler. Coun.

Pro: N. Hamp^{r}.

At a Council held at the Council Chamber in Portsm^{o}, Xbr.7th, 1717.

Present in Councill.

The Honble George Vaughan, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Jno. Wentworth,		Richd Wibird,	
Theo. Atkinson,		Thom^{s} Westbrook,	

John Wentworth, Esq. p'sented a Commission to this Board from his Majesty King George, constituting him the said Wentworth, Lt. Govr of this Province; wch being read, the same was ordered forthwith to be published at the Market place: It was also ordered, that eleven guns be fired at the Castle, at the publishing s^{d} Commission, & that 25 pounds gunpowder be distributed among the foot companies in arms, and that two pounds mony be paid out of the treasury to the military officers and [p. 375.] souldiers; and that the treasurer support the charge of the Council and Gent^{n} attending ye ceremony.

The said Commission was published as aforesaid: after which the Hon'ble John Wentworth, Esq. took the oaths instead of the oaths of allegiance and supremacy, the abjuration oath and an oath faithfully to execute the office of Lt. Govr of N. Hamp^{r}, and then took his place at the Board accordingly.

Commission of John Wentworth
as Lieutenant Governor of New Hampshire.

[From a copy in Secretary's Office.]

GEORGE R.

GEORGE, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c.

To our Trusty and Well-beloved JOHN WENTWORTH, Esq. Greeting: Whereas, by our Commission, under our Great Seal of Great Britain, bearing date Fifteenth day of June, 1716, We have constituted and appointed Samuel Shute, Esq. our Captain General and Governor in Chief in and over our Province of New Hampshire, in New England, in America; and we reposing especial Trust and Confidence in your Loyalty, Courage and Circumspection, do, by these presents, constitute and appoint you, the said John Wentworth, to be our Lieutenant Governor, to hold, exercise and enjoy the said Place and office for and during our Pleasure, with all Rights, Privileges, Profits, Perquisites and Advantages, to the same belonging or appertaining: And further, in case of the Death or absence of the said Samuel Shute, We do hereby authorize and empower you to execute and perform all and singular the Powers and Directions contained in our said Commission to the said Samuel Shute, and such Instructions as are already or hereafter shall, from time to time, be sent unto him; so nevertheless, that you observe and follow such orders and Directions as you shall receive from Us, and from the said Samuel Shute, or any Chief Governor of our said Province of New Hampshire, for the time being. And all and singular our officers and ministers and loving subjects of our said Province, and others whom it may concern, are hereby commanded to take due Notice hereof, and to give their ready obedience accordingly.

Given at our Court at Hampton Court, the 12th day of September, 1717, in the Fourth year of our Reign.

By his Majesty's Command,

J. ADDISON.

John Wentworth, Esq.
Lieutenant Governor of New Hampshire
in America.

[P. 375.] Pro. N. Hamp^{r}.

At a Councill held at the Council Chamber in Portsm^{o}, Xbr, 9th, 1717.

Present in Councill.

The Honble Jno Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Theo. Atkinson,		Richd Wibird,	

Whereas there is no King's Attorney in this Province, and there being a p'son in goal upon suspicion of murther:

Voted, That Mr. Auchmooty have a fee of forty shilings paid out of the Treasury to draw an Indictment agst s^{d} prisoner. R. Waldron, Clerc. Coun.

Ordered, That a day of Publick Thanksgiving be observed throughout this Province, on Wednesday, the 25th inst., and that the clerk issue out Proclamation accordingly.

Richd Waldron, Cler. Coun.

Ordered, That there be paid to Col. William Wanton out of the treasury fifteen pounds for ye service of his Sloop Ann, improved for the benefit of this Province in p'suit of the Pirate, &c. Richd Waldron, Clerc. Coun.

This day Shad^{a} Walton and James Davis, Esqs., (being inserted in the Commission of the Inferiour Court of Common Pleas) took the oaths, &c.

Theo. Atkinson, Esq., this day took the oaths as Just: Peace wthin this Province.

[P. 376.] Pro. N. Hamp^{r}.

At a Council held at the Council Chamber in Portsm^{o}, December 31st, 1717.

Present in Councill,

The Honble Jno. Wentworth, Esq., Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Maj^{r} Peter Wear wth others in behalf of the Falls part of Hampton, appeared at this Board & presented a Petition, therein exhibiting a Complaint agst the selectmen of s^{d} Hampt^{o} for assessing the Falls part of the town to a school master, contrary to ord^{r} of Genl Assembly, as on file.

Capt. Wingate appeared also in behalf of the selectmen of s^{d} Hampton, by virtue of a letter of attorney from them, to justify their act &c., as on file, also, Both p'ties being heard, it was

In Councill

Ordered, That, whereas it did appear upon hearing the matter, that the Falls part of Hampton was a distinct Parish, that the Constable of the said Falls part of the Town, do forthwth return all such monys or things as he hath taken or destrained from any p'son to support the Schoolmaster of the old Parish, and that he forbear to take any more rates, from any p'son for that service; and further that ye old Parish be assessed that proportion to the schoolmaster of the old Parish, wch is taken off from the Falls part, so as to comply wth their present schoolmaster.

Richd Waldron, Cler. Coun.

[p. 377.] Pro: N. Hamp^{r}.

At a Council held at the Council Chamber in Portsm^{o}, Feb. 14, 1718.

Present in Councill,

The Honble John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.

Geo. Jaffrey, Rich. Wibird, } Esqs.

Several Indians from the Eastward appeared at this board, wth whom the board had a short Conference, as on file.

Pro. N. Hamp^{r}.

At a Council held at New Castle, April 15, 1718.

Present in Councill,

Saml Penhallow, Theo. Atkinson, Geo. Jaffrey, } Esqs.

Shad. Walton, Richd Wibird, } Esqs.

Whereas the Sloop Hawk, Robt Almory, master, is this day arrived from Barbadoes into the river of Piscataqua, and whereas the s^{d} Almory hath in his passage been distempered wth the smal-pox, wch is still green upon him, & may probably spread amongst the Inhabitants of this Province, in case the s^{d} master or any of his men be allowed to go at large amongst his Majesties' good subjects: for prevention whereof, it was

In Council

Ordered, That the s^{d} Robert Almory, master of the Sloop Hawk afores^{d}, do forthwth remove the s^{d} sloop from ye place where she now lies to Jackson's Island, & there anchor her between that & Anthony's Island, & that she be not removed thence, till further ord^{r} of governm^{t}; & that no goods be taken out of s^{d} Sloop of any sort whatsoever, and the s^{d} Almory shall not go on shore nor any of

his men, save on ye uninhabited Islands thereabout: and further, That the s^d master & men shall not admit any p'son to come on board s^d Sloop or unto them, except such as carry them provision pr ord^r of Government; & that each article before mentioned be strictly observed till further order.

Richd Waldron, Cler. Coun.

[p. 378.] Pro: N. Hamp^r.

At a Councill held at Portsm^o, April 16, 1718.

Present in Councill,

Saml Penhallow, Geo. Jaffrey, Richd Wibird, } Esqs.

Ordered, that the Clerk issue out a Proclamation to prohibit all p'sons going on board the Sloop Hawk, &c.

Richd Waldron. Cler. Coun.

Pro: N. Hamp^r.

At a Council held at Portsm^o, April 17, 1718.

Present in Council, [as before.]

Ordered, That Robert Almory, master of the Sloop Hawk, forthwith remove himself and any such of his Sloops company as are sick, to the house of John Partridge on Partridge Island, wch is appointed pr the Governm^t as an hospital or pest house for reception of them: and that the cotton wool on board s^d Sloop may be removed into s^d Partridges ware-house; & further that the rum on board s^d Sloop may be delivered to the owners provided they receive it in the water.

Richd Waldron, Cler. Con.

Pro: N. Hamp^{r}.

At a Councill held at N. Castle, June ye 9th, 1718.

Present in Councill,

His Hon^{r} John Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad: Walton,	
Theo. Atkinson,		Richd Wibird,	

His Hon^{r} the Lt. Govr was pleased to communicate two letters from Mr. Agent Dummer, bearing date March 10 & 16, relating unto the Surveyors prohibition of felling trees, &c.

[p. 379.] Whereupon Theo. Atkinson and George Jaffrey, Esqs., were directed to draw answer thereunto. And, forasmuch as Paul Dudley and Jno. Valentine, Esqs., did implead Jno. Kenniston in behalf of the King at the late Superiour Court:

Ordered, That the Treasurer p'sent the s^{d} Paul Dudley wth the sum of twelve pounds, & the s^{d} John Valentine wth eight pounds as an acknowledgment of their services therein.

Pro: N. Hamp^{r}.

At a Councill held at the Council Chamber, in Portsm^{o}, June 26, 1718.

Present in Councill,

His Hon^{r} John Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	
Theo. Atkinson,		Richd Wibird,	

His Hon^{r} the Lieut. Govr. produced and laid before this board a new Seal for the Prov: of N. Hamp^{r} wth orders & instructions from his Majesty King George for using the same, & for breaking the old seal in p'sence of the Councill; wch was accordingly broken into two pieces at the same time.

The Lt. Govr also produced an additional Instruction wch was read at this board in relation to shipping, &c.

Whereas there are sundry familys of credit and reputation late arrived in this Government from Ireland, most of them being farmers and disposed either to buy or rent lands, if to be had on reasonable terms wthin this Province (1):

Ordered, That publick notice be given throughout the Province, thereof, that any p'sons inclined either to lett or sell land may have an opportunity so to do.

Richd Waldron, Cler. Coun.

Pro: N. Hamp^{r}.

At a Councill held at the Council Chamber in Portsm^{o} Augst 12, 1718.,

Present in Councill,

His Hon^{r} John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Theo. Atkinson, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Mr. Hugh Adams p'sented a petition to this board exhibitting a complaint agst ye last years selectmen & the p'sent years selectmen, and the last years constable, for the Parish of Oyster river, as on file (2).

[P. 380.] All parties appearing and being heard;

Ordered, That the matter be suspended till the third day of Sep^{t} next, and the constable do his duty in the mean time, & that the parties agree the matter between themselves if possible, &c.

Richd Waldron, Cler. Coun.

(1) This is the first notice on our records of the *Scotch-Irish*, who subsequently settled at Nutfield, now Londonderry.
(2) Not now to be found.

Pro: N. Hamp^{r}.

At a Councill held at the Councill Chamber in Portsm^{o}, Sept. 4, 1718.

Present in Council,

The Honble John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Mark Hunking, Theo. Atkinson, } Esqs.

Geo. Jaffrey, Shad: Walton, Richd Wibird, } Esqs.

His Hon^{r}, the Lieut. Govr laid a letter before this Board from Mr. Richd Partridge of London, in relation to the taking of [off] the duty upon lumber in Great Britain: Also another letter from Sr. Mathew Dudley on the same head, very much to the benefitt of this province: Upon wch ye Councill determined to send a letter of thanks to the s^{d} Dudley and Partridge for their concern and care in behalf of this province & to pray the continuance of their favour in y^{t} regard.

Pro: N. Hamp^{r}.

At a Councill held at the Councill Chamber in Portsmouth, Novem^{r} 11, 1718.

Present in Council,

The Honble John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs.

Shad: Walton, Richd Wibird, } Esqs.

Thom^{s} Westbrook, Esq.

In Councill

Ordered, That his Hon^{r} Lieu^{t} Gov. Wentworth, be paid out of ye treasury thirty pounds,—it being for a bill of Exch^{a} of fifteen pounds sterling paid unto Messrs. Dummer and Newman, for and in behalf of this Province, by the s^{d} Lt. Govr Wentworth, for their soliciting for liberty to cut timber &c. within this Province.

Richd Waldron, Cler. Con.

[P. 381.] In Councill

Ordered, That any Council^r being legally and reasonably summoned to attend his Majesties service in Councill, & not attending at time and place according to summon without sufficient reason, to be judged of pr the Govr & Councill, shall forfeit & pay two shillings as a penalty for his neglect.

Richd Waldron, Cler. Con.

Pro: N. Hamp^r.

At a Councill held at ye Council Chamber in Portsm^o, Novemb^r 27, 1718.

Present in Councill,

His Hon^r John Wentworth, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thos Westbrook,	

In Councill,

Ordered, That Thursday, the eleventh day of Decem^r next, be observed a day of publick Thanksgiving throughout this Province, & that the Clerk issue out Proclamation accordingly: Saml Penhallow & Geo. Jaffrey, Esqs. being desired to draw ye form of Proclamation.

Richd Waldron, Cler. Con.

Pro: N. Hamp^r.

At a Councill held at the Councill Chamber in Portsm^o, March 5, 1718–9.

Present in Councill,

His Hon^r John Wentworth, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Geo: Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	

Upon complaint of Jacob Stanyan that he was irregularly & contrary to an ord^r of Councill chosen a Constable at ye old parish of Hampton,—being a resident of the new —

Ordered, that the Clerk issue a special warr^{t} &c. to bring Capt. Josh^{a} Wingate, who was moderator at the meeting, & Mr. Jno. Tuck, the Clerk of s^{d} meeting, before the Honble the Lieut. Govr & Councill, at ye Councill board, on Saturday next, at 10 o'clock A. M. together with the notification that was sett on ye meeting-house door, and all the proceedings of that day.

Richd Waldron, Cler. Con.

Adjourned to ye 7th instant.

[p. 382.] Pro: N. Hamp^{r}.

At a Councill held at Portsm^{o}, March 7th 1718–9.

Present in Councill.

His Hon^{r} John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad. Walton, } Esqs.

Tho. Westbrook, Esq.

Capt. Wingate & Deacon Tuck appeared at this board by virtue of a warr^{t} &c. to give an account of the irregular proceedings of a Parish meeting holden at the old parish in Hampton: The s^{d} Wingate & Tuck were asked by his Hon^{r} the Lieut. Govr why they proceeded to choose a Constable for the new parish of Hampton, contrary to a late ord^{r} of Government. Capt. Wingate answered, that if they had proceeded contrary to that order, it was through ignorance that they did it, & not contempt or design; and that there were most of the principal men of the new Parish present at s^{d} meeting, who put the same construction on the ord^{r} that they did.

Ordered, That the affair be suspended till the 25th instant, and that Maj^{r} Wear & Capt. Jabez [Dow] & Josiah Moulton, sen^{r}, be summoned to attend at s^{d} time, and then the fees to be paid. Adjour^{d} to 25 Inst.

Pro: N. Hamp^{r}.

At a Councill held at ye Councill Chamber in Portsm^{o}, by adjorn^{t}, March 25, 1719.

Present in Council,

[The same as before.]

Maj^{r} Wear and Jacob Stanyan appeared at this board to prosecute the complaint there exhibited agst Capt. Wingate & Mr. Tuck. The s^{d} Wingate & Tuck appeared also, to defend: Upon hearing the whole matter, it was found that what had been done by s^{d} Wingate & Tuck was not in contempt of authority and government, but by misunderstanding and misapprehension: Whereupon it was ordered they be dismist, paying the fees & to be to them repaid by the old Parish of Hampton.

Richd Waldron, Cler. Con.

[P. 383.] The following vote was passed at this Board: Whereas on the 12 May, 1718, there was a vote of Council past for making the new Parish of Hampton separate from the old to all intents and purposes: & whereas there seems to be some ambiguity in s^{d} vote, and the same hath been misconstrued; for the better explanation whereof, & in order to the better understanding of the same, it is hereby

In Council

Voted, That the intent of s^{d} vote was & is hereby intended, that ye s^{d} new Parish of Hampton have the privileges of a town without exception, & that that article in ye afores^{d} vote relating to the Prov: tax, is to be understood, each parish to pay their proportion as formerly, wch proportion is to be made & assessed & gathered by the selectmen, assess^{rs} & constable chosen at each parish severally; and the minister taxes also to be made by the selectmen and assess^{rs}, and collected by the Constable y^{t} shall be chosen at the parish meetings severally, as above.

March 25, 1719. Richd Waldron, Cler. Con.

Mr. Saml Hinkes & his wife p'ferred a petition to this board, as on file.

In Councill

Voted, That Geo. Jaffrey, Esq. be of the Committee to see to ye renewing the Goal in Mr. Atkinson's stead, during the Indisposition of s^d^ Mr. Atkinson.

Richd Waldron, Cler. Con.

In Councill

Ordered, That Thursday ye second day of Aprill next, be observed a day of publick Fasting and prayer, & that the Clerk issue out proclamation accordingly.

Richd Waldron, Cler. Coun.

[p. 384.] Pro: N. Hamp^r^.

At a Councill held at ye Councill Chamber in Portsm^o^, April 30th, 1719.

Present in Councill,

His Excellency Saml Shute, Esq. Govr.

His Hon^r^ John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad: Walton, } Esqs.

Richd Wibird, Esq.

Richd Jose appeared at the Councill board & prayed the Govr & Councill, That the selectmen of Portsm^o^ might be summoned to appear & there to answer for not complying with the ord^r^ of Govr & Councill ab^t^ paying for a high-way laid out through the lands of the complainant's father, &c.

Ordered, That the said selectmen may be summoned accordingly.

Richd Waldron, Cler. Con.

The selectmen appeared according to summon.

Thomas Phipps, Esq. p'ferred a Petition to this board in behalf of the Town of Portsm^o^ about an addition of land to the town, &c. as on file: which being read, the following vote was past thereon:

Whereas Thom^{s} Phipps, Esq. preferred a petition to this board signed by himself and Saml Hart in behalf of the town of Portsmouth, as on file, praying that a Committee might be appointed to run & renew ye bounds of a grant of land made by the Mass^{a} to Portsm^{o} &c.

Voted, That the petition be granted, & that there be added two miles to the breadth of the six miles; at the head of Dover line westward of the six miles; which two miles to be appropriated to the encouragement of the iron works building at Lamprill river for cole, wood, & for settling people thereon, to be imported for that service, & settled in such order as a Committee appointed for that purpose shall direct: & that Mark Hunking, Geo. Jaffrey, & Richd Wibird, Esqs. & Col. James Davis, Capt. Tim^{o}. Gerrish & Capt. Saml Tibbetts be the Committee for laying out and bounding s^{d} land, & that Saml Penhallow, Esq. be added for directing the settlement.

Richd Waldron, Cler. Con.

[p. 385.]

Richard Waldron, Esq. made application to this board as the Supream Probate (he being Judge of probate of wills, &c.) for administration on the estate of Maj^{r}. Richard Waldron, his father, dece^{d}*: whereupon it was

In Councill

Ordered, That the said Richard Waldron have a letter of administration accordingly.

* "Major Richard Waldron," here referred to as deceased, must have been the one killed by the Indians at Dover in 1689. But why his son should take out letters of Administration, at this late period (1719), does not appear. The *second* Richard Waldron, who was indeed Judge of Probate at this time, died in Portsmouth, Nov. 3, 1730, aged 80.

Pro: N. Hamp^{r}.

At a Councill held at ye Councill Chamber in Portsm^{o}, May 2^{d}, 1719.

Present in Councill

His Excellency Samuel Shute, Esq. Govr.

His Hon^{r} John Wentworth, Esq. Lt. Govr.

Saml. Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad: Walton, } Esqs.

Richd Wibird, Esq.

Richd Waldron & Geo. Jaffrey, Esq. being two of the Exec^{s} appointed in the last will and Testam^{t} of Mrs. Jane Gerrish, dec^{d} presented the said will to this Board, as ye Supream probate, & prayed that the same might be there proved. The witnesses being p'sent it was done accordingly.

Saml Chapman of Hampton & others appeared at this board to prosecute a petition about a meeting house at North hill; the Selectmen appeared to make their objections: both parties being heard, they were ordered to withdraw & the following order was past.

In Council

Ordered, That there be a parish in ye North part of Hampton, and that Mark Hunking, Shadrach Walton, Nicho^{s} Gillman, Esqs. be a Committee to ascertain the bounds & limitts of s^{d} parish;—that is to say, between the old parish and the new: To be compleated and finished before the first Tuesday in June next.

[p. 386.] Pro. N. Hamp^{r}.

At a Council held at Portsm^{o} May 29th 1719.

Present

His Hon^{r} the Lieut. Govr.

Saml Penhallow, Mark Hunking, George Jaffrey, } Esqs. Shad: Walton, Richd Wibird, Thom^{s} Westbrook, } Esqs.

His Hon^{r} the Lieut. Govr laid a letter before ye board

from His Excellency Govr Shute, dated May 18, 1719, where in he wrote that he intended Capt. Odiorne to be a judge; also a second letter from Mr. Boydel, dated May 25th 1719, wherein he wrote that his Excellency the Govr. had commanded him to acquaint the Lieut. Govr that he had appointed Capt. Odiorne to be judge of the Inferiour Court, & directed the making out a commission accordingly: wch letters being read, It was voted that a Commission to the said Odiorne for the said office be p'pared, & directions given the Clerk for the same.

The Committee appointed to ascertain the bounds of the new Parish at the North end of Hampton, made their return as follows:

Pro. N. Hamp^{r}.

We, the subscribers, being a Committee appointed by the Govr & Council for to settle & ascertain the bounds & limmitts of a Parish granted by the Govr. & Coun^{l}. on May 2^{d}, 1719, within the township of Hampton, at the north end of s^{d} town: (viz.) It shall take its beginning at the north Tree betwixt Hampton & Portsmouth & to measure three miles south from s^{d} north Tree & there to make a bound mark, & from thence east south-east, two degrees east down to the sea, & from said bound mark three miles to the south of said north Tree aforesaid, west north-west two degrees west, as farr till they meet Hampton line wch runs betwixt s^{d} north tree & Stratham line; & the above boundaries when so run out as above specifyed, is the bounds of said Parish: by us this 26th day of May, 1719.

Nich^{l} Gillman, Mark Hunking,
Jno Gillman, Shad. Walton.

[P. 387.] Pro. N. Hamp^{r}.

At a Council held at Portsm^{o}. June 22^{d}, 1819.

Present in Coun^{ll}.

His Hon^{r}. John Wentworth, Esq. Lt. Govr.

Saml. Penhallow,
George Jaffrey, } Esqs.
Rich^{d}. Wibird,

Robert Armstrong, Esq. laid a paper before this board, dated London, April 8th, 1719, under the hand and seal of Charles Burniston, Esq. appointing him the said Armstrong to be Deputy Surveyor of the woods in America, undr him: But Mr. Burniston's commission not appearing, nor any exemplifecation thereof, the Lieut. Govr. & Council were pleased to suspend the qualifying said Armstrong to act in that post till his Majesties' pleasure be more fully known; & to ordr. that the clerk of the Council write to John Bridger, Esq. to inquire whether he has received any quietus from home, or is divested of his late power in acting as surveyor general of the woods, &c., that so due care may be taken for p'serving his Majties trees. Ye copy of ye letter is on file.

Pro: N. Hampr.

At a Council held at Portsmouth, July 16, 1719.

Present in Coun[l].

His Honr John Wentworth, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Richard Wibird,	Esqs.
Geo: Jaffrey,		Thomas Westbrook,	

His Honour the Lt. Govr. took the following oath at this board (viz.)

That he was never concerned wth Capt. Archibald Mackpheadris directly nor indirectly in shipping of any naval stores for the kingdom of Spain or Portugal in any ship or vessel whatsoever; nor any other commodities, Except the small cargo of sparrs on board the ship George, Joseph Simpson, master.

Attest, Richd. Waldron, Clcr. Con.

[P. 388.] Pro. N. Hamp^{r}.

At a Councill held at Portsmouth, Sept. 24th, 1719:

Present in Coun^{l}:

His Excellency Saml. Shute, Esq. Govr.

Saml. Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Rich^{d}. Wibird,	
George Jaffrey,		Thom. Westbrook,	

Mr. Clement Hughes preferred a petition to this board, directed to his Excellency the Govr & Councill, signed by about 100 p'sons, praying for a township above Kingston, as on file, which being read, it was resolved, That the same should be considered when his Excellency came next into this Province.

Pro. N. Hamp^{r}.

At a Council held at Portsmouth, Sept. 25th, 1719.

Present in Coun:

His Excellency Samuel Shute, Esq. Govr.

His Hon^{r}. John Wentworth, Esq. Lt. Govr.

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Ric^{h}. Wibird,	
George Jaffrey,		Thos. Westbrook,	

Ordered, That the land of Mr. John Odlin* wch lyes wthin the town of Stratham, be exempt from any tax during the s^{d} Odlin's life.

Rich^{d}. Waldron, Cler. Coun.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, Novem^{r} 26th, 1719.

Present in Coun.

His Hon^{r} John Wentworth, Esq. Lt. Govr.

Saml. Penhallow,	Esqs.	Geo. Jaffrey,	Esqs.
Mark Hunking,		Shad. Walton,	

Rich^{d}. Wibird, Esq.

* Rev. John Odlin was at this time minister of the church in Exeter.

His Hon^{r}. the Lieut. Govr. laid before this board sundry Papers from Whitehall, viz.

A letter from the Lords Commissioners of trade & plantations, to his Excellency the Govr. concerning several acts of this Province that are und^{r} consideration.

Another signed James Vernon, about three acts repealed, (viz.)

[P. 389.] An act for relief of idiots & distracted persons.

An act providing for posthumous children.

An act against high treason.

And a paper containing the reasons why the said three acts are repealed.

Another letter from the Lords of trade & plantations, about the boundaries of New Hampshire.

Another paper signed Wm. Popple, containing sundry queries ab^{t} the trade of N. Hamp^{r}.

Another letter to the Govr. signed Wm. Popple, relating to tarr & pitch.

A copy of a certificate by wch the bounty of pitch & tarr is to be had and received.

Also a paper containing rules for making tarr & another for hemp, which two last his Hon^{r} took to himself.

And an Act of Parliament agst clandestine runing uncustomed goods, &c.

In Coun:

Ordered, That the Repeal of the three Acts before mentioned be forth^{wth} published.

That a Committee be chosen to run the line between the Provinces of N. Hamp^{r} & Massachusetts.

That the rules for raising hemp & making tarr be reprinted, one hundred of each, & that the Treas^{r} see it done forthwith.

His Hon^{r}. the Lt. Govr. laid before the board the copy of a petition directed to the King's most excellent Majesty, signed John Tuck, wch was read, &c.

Ordered, That Deacon John Tuck be notifyed to appear at the board on Wednesday next.

Pro. N. Hamp^{r}.

At a Council held at Portsmouth, Dec. 2^{d}, 1719.

Present in Coun:

His Hon^{r}. John Wentworth, Esq. Lt. Govr.

Saml. Penhallow, Geo. Jaffrey, } Esqs. Rich^{d}. Wibird, Thom^{s}. Westbrook, } Esqs.

Mr. John Tuck being sent for and appearing at this board, His Honour the [p. 390.] Lieut. Govr informed him that he had received a copy of his petition to the King, and the same being read, the Lt. Govr. asked whether he had any answer to his petition; who replyed he had not: Then the Lt. Gov^{s}. told him if he would confess his fault, his bond should be discharged; but his refusing to acknowledge any fault, the same was continued.

In Coun:

Ordered, That Saml. Penhallow, Geo. Jaffrey, & Richd Wibird, Esqs. draw up a Commission and Instructions for ye Committee appointed to settle the divisional line between this & the Mass^{a} Government; & that ye clerk write Mr. Secretary Willard to inform him ye Commissioners on our part will meet the Mass^{a} Gent^{n} on Wednesday next.

Pro: N. Hamp^{r}.

At a Councill held at Portsmouth, Dec. 11th, 1719.

Present in Coun:

His Hon^{r}. John Wentworth, Lt. Govr.

Geo. Jaffrey, Shad. Walton, } Esqs. Richd Wibird, Thom^{s}. Westbrook, } Esqs.

Thom^{s}. Packer, Esq.

Voted, That his Hon^{r}. the Lieut. Govr. draw upon the Treasury for such sum or sums of mony as are necessary for payment of the charges of the new prison.

Rich^{d}. Waldron, Cler. Con.

Pro: N. Hamp^{r}.

At a Councill held at Portsmouth, Dec. 21st, 1719.

Present in Coun:

His Hon^{r}. John Wentworth, Esq. Lt. Govr.

Saml. Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Thos. Westbrook, } Esqs.

Tho. Packer, Esq.

His Hon^{r} the Lt. Govr informed the board that the Government of the Mass^{a} had appointed Commissioners to go to Casko bay or elsewhere, to meet the chiefs of ye Indians & examin into the disord^{rs} that have lately been amongst them in the Eastern parts of the County of York, and also proposed the appointing one to joyn them in behalf of the Government, & nominated Thomas Westbrook, Esq. to act in that affair.

[P. 391.] The Councill consented to the motion & voted a Commission and Instructions to be made out accordingly; and that the Treas^{r} advance what mony is necessary.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, Jan. 12, 1719-20.

Present in Coun:

Saml Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richd Wibird, Thos Westbrook, } Esqs.

Thos Packer, Esq.

The Commissioners appointed to go into the Eastern frontiers to discourse the Indians respecting the disorders lately happened there, this day reported to the board the particulars of the Conference und^{r} their hands, wch was delivered to Capt. Westbrook, to be p'sented to ye Lt. Govr (1).

(1) This Report is not found on record. Penhallow ("Ind. Wars") says: "In the year 1720 they [Indians] began to be more insolent, and appeared in greater bodies; upon which Col. Walton was ordered with about 200 men to guard the frontiers, and was, after that, appointed with Capts. Moody, Harmon, Penhallow and Wainwright to send their chiefs for satisfaction for the late hostilities which they had done in killing the cattle, &c. The Indians, fearing the event, promised to pay two hundred skins, and

Pro: N. Hamp^{r}.

At a Councill held at Portsmouth, March 7th, 1719-20.

Present in Coun:

His Hon^{r} John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Shad. Walton, Thos Packer, } Esqs.

Nich^{o} Mead having some time since made his escape from ye Common Goal in Portsmouth & being apprehended:

Ordered, That the clerk forthwth make out a special warrant or Mittimus for his re-committment.

[p. 392.] Pro: N. Hamp^{r}.

At a Council held at Portsmouth, March 15th, 1719-20.

Present in Coun:

The Honble John Wentworth, Esq., Lt. Govr.

Saml Penhallow, George Jaffrey, } Esqs. Shad. Walton, Thos Westbrook, } Esqs.

Thos Packer, Esq.

In Councill,

Ordered, That the Inhabitants dwelling upon or near the partition of the two Provinces be not taxed to the minister or to any Town or parish charge, till the said partition lines be settled; but that all such p'sons shall be taxed in the Province rate and pay as heretofore.

Richd Waldron, Cler. Con.

In Coun:

Ordered, That the Clerk write a letter to Mr. McGregore,

for their fidelity, to deliver up four of their young men as hostages. After this, they became tolerably quiet, but in the spring grew as insolent as before; especially in Kennebeck, where, some time in July, they came with ninety canoes on the Padeshal's Island, which lies opposite to Arrowsick, and sent to speak with Capt. Penhallow, who fearing an intrigue, refused, &c."

& another to Messrs. White & Kimball in relation to the settlement of Nutfield, as on file.

Rich[d] Waldron, Cler. Con.

In Coun:

Ordered, That the Clerk issue out proclam[n] for a general Fast to be held & kept throughout this Province, on y[e] thirty-first day of this instant March.

Rich[d] Waldron, Cler. Con.

Pro: N. Hamp[r].

At a Council held at Portsm[o] April 11th, 1720.

Present in Coun:

His Honour the Lieut. Gover[n] John Wentworth, Esq.

Sam[l] Penhallow, George Jaffrey, } Esqs. Rich[d] Wibird, Tho[s] Westbrook, } Esqs.

Tho[s] Packer, Esq.

His Hon[r] the Lt. Gov[r] informed the board that he was advised from Boston, that the several Governments of Mass[a], Connecticut & Road Island were about to appoint Commissioners respectively to meet at Boston, to confer about some method to advance the credit of the medium of Exch[a] and proposed that this Governm[t] should joyne in the affair; [p. 393.] which was consented to, and then nominated George Jaffrey, Esq. in behalf of this Province, w[ch] was also consented to, & ordered that the Treasurer advance what mony is proper to defray y[e] charge out of y[e] Treasury.

Pro: N. Hamp[r].

At a Council held at Portsm[o] June 11th, 1720.

Present in Coun:

His Hon[r] John Wentworth, Esq., Lt. Gov[r].

Sam[l] Penhallow, Mark Hunking, Geo. Jaffrey, } Esqs. Shad. Walton, Richard Wibird, Tho[s] Packer, } Esqs.

Richard Waldron and Geo. Jaffrey, Esqs., Executors to the last will and Testament of . . . . . * deceased, appearing at the Board, informed that they had chosen Capt. Nathl Gerrish in the room of Theo. Atkinson, Esq., deceased†, to be an Executor of the said Will, they being impowered to make such choice by the said will; wch choice was accepted by the Lt. Govr and Coun: as ye Supream Probate; and the s^d Gerrish hereby declared an Executor as above.

Richd Waldron, Cler. Con.

Pro: N. Hamp^r.

At a Council held at ye Council Chamber Portsm^o, 7^br 8th, 1720.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Shad. Walton	Esqs.
Mark Hunking,		Richd Wibird,	
Geo. Jaffrey,		Thom^s Packer	

Mogg and Ombakegoa, two Indians who came to town yesterday from ye Eastward, desiring leave, appeared at the board, who informed that the body of Indians would have something to say at Arowsick ‡ about 40 days hence, &c., as on file.

* Probably Mrs. Jane Gerrish. See Coun. Rec. May 2d. 1719.

† The Hon. Theodore Atkinson was born in Boston; his ancestors lived at Bury, in the county of Lancaster in England. His grandfather migrated to this country about the year 1634, and settled in Boston, where he possessed a large real estate. He owned seven acres of land near Fort Hill, which was called the pasture; he likewise owned land on Atkinson street, which was called after his name, and on Berry street, which was so called from Berry the place of his nativity, having undergone a slight change in its orthography. The grandson [Theodore] removed to Portsmouth in 1694, and settled at Great Island, which was at that time a place of considerable importance, and the most populous part of the town. He there engaged very largely in trade and fishery. In 1701, he was appointed Clerk of the Superiour Court of Judicature for the Province. In 1716, under Gov. Shute, he was appointed one of the Council. He was intrusted with various other important offices, which he executed with great fidelity, and was much beloved by the people. He died on the 6th May, 1719, aged 50, and his death was considered a public loss. [See Adams' Ann. Ports.]

‡ Arrowsic—a town in Lincoln Co., Me.

[p. 394.] Pro: N. Hamp^{r}.

At a Council held at Portsm^{o} Novem^{r} 11th, 1720.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Richd Wibird, Thos Packer, } Esqs.

Wallace Fenlayson, master of the Sloop Success, and John Hooper a marriner, belonging to the said Sloop, personally appearing at the Board, voluntarily made oath, that on Wednesday the fifth day of October last, being on a voyage from Barbadoes hither, in ye latitude of twenty and a half, the aforesaid sloop Success wth her cargo and men were taken by a pirate ship, mounted with about twenty-eight guns, commanded by Capt. Roberts (which ship was accompanyed by a pirate sloop) and that Mr. Edward Sherburn, mate of the Sloop Success was forcibly, and very much against his will detained on board the s^{d} pirate ship, who openly declared he would be sooner cutt into pound pieces, than joyne wth the pirates in their piratical designs; to which some of the pirates replyed, If he did not forbear such talk they would cutt off his ears; and further, that Argalus Hunking carpenter of the said Sloop, was also detained against his will on board the said ship, and very much beaten and abused for refusing to obey ye commands of the pirates: and further, the Deponents testify that James Clement a marriner, on board the said sloop, was also forcibly and very much against his will detained on board the said pirate ship.

Attest, Richd Waldron, Cler. Con.

[p. 395.] Pro: N. Hamp^{r}.

At a Council held at Portsm^{o} Novemb^{r} 24th, 1720.

Present in Coun:

His Honour, John Wentworth, Esq. Lt. Govr.

Saml Penhallow, George Jaffrey, } Esqs. Richd Wibird, Thom^{s} Westbrook, } Esqs.

Thom^{s} Packer, Esq.

The Lieut. Govr laid before the Board a letter which he

received from Mr. McKeen (1) and others at Nutfield, importing that this settlement was much threatened with molestation and disquiet from the Massachusetts Government; which being read, it was ordered That the Clerk immediately dispatch a letter of encouragement to the s^d McKeen, and direction that he fail not to exert the Justiciary powers which he is vested wth for the suppressing any disorders that may happen in their districts, &c. a copy of which letter is on file. Mr. McKeen's letter, ye Lt. Govr withdrew.

Pro: N. Hamp^r.

At a Council held at Portsmouth, Decem^r 7th, 1720.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Richd Wibird,	Esqs.
Mark Hunking,		Thos. Westbrook,	
Geo. Jaffrey,		Thom^s. Packer,	

His Honour the Lieut. Govr. laid before the board a letter from Mr. Secretary Willard of the Mass^a, complaining that some officers of this Government had used violent measures upon the borders on the divisional line, and sundry depositions to support it: Whereupon Mr. Justice Wear and Nathan Longfellow, constable, both of Hampton, being summoned, appeared, to account for the same; who produced such evidences in the premises as fully evinced, that the complaint was groundless, and that what was done by the New Hamp^r officers was just and right: and therefore it was

(1) Probably James McKeen, who was one of the first settlers at Nutfield, since Londonderry, a leading man and Justice of Peace.

The settlement in Nutfield was begun April 11, 1719. The land comprised in the township was purchased of Col. John Wheelwright, of Wells, Me., grandson of Rev. John Wheelwright of Exeter, the original title to which rested on the famous Deed to Wheelwright by the Indians in 1629. The land was supposed to lie within the bounds of Massachusetts—but claimed also by New-Hampshire. A grant of the township was made by Gov. Shute and the Council of New Hampshire, June 1, 1722. [See Hist. of Londonderry, by Rev. Ed. L. Parker, and also an account of the settlement, with names of the original settlers in Farm. Belk. pp. 192-193.—Ed.]

Ordered, That the Clerk forth^{wth} inform [p. 396.] His Excellency by a letter, of the particular circumstances of the affair, and send him copys of the affidavits produced by the s^{d} Wear and constable Longfellow; a copy of which letter and affidavits are on file, and also the letter and affidavits sent from Mr. Secretary Willard.

Richd Waldron, Cler. Con.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, Jany 10th, 1720-21.

Present in Coun:

His Honour John Wentworth, Esq., Lt. Govr.

Saml Penhallow,	Esqs.	Shad. Walton,	Esqs.
Mark Hunking,		Richd Wibird,	
George Jaffrey,		Thos Westbrook,	

Thos Packer, Esq.

Mr. Ephraim Dennet, appointed Coronor for this Province, and his Commission being made out and delivered to him at the board, he as principal, and Thomas Westbrook and Benj^{a} Gambling, Esqs., as suretys, recognized joyntly and severally to his Majesty in one thousand pounds, for the said Dennett's faithful discharge of the said office of Coroner; after wch the oaths, instead of the oaths of allegiance and supremacy, and the office-oath was administered, to the s^{d} Dennet, and then he withdrew.

His Honour the Lieut. Govr produced and laid before the board, several Querys from the right Honourable the Lords of Trade and Plantations, respecting this province, which were committed to George Jaffrey and Richd Wibird, Esqs., as a Committee to consider and draw up answers to the same.

Richd Waldron, Cler. Coun.

[P. 397.] Pro: N. Hamp^{r}.

At a Council held at Portsmouth, March 7th, 1720-1.

Present in Coun:

His Honour John Wentworth, Esq., Lieut. Govr.

Saml Penhallow, Mark Hunking, George Jaffrey, } Esqs.

Richd Wibird, Thos Packer, } Esqs.

The Petition of James McKeen and James Gregg, in the name of the people of Nutfield, praying to have the divisional line settled between Cheshire (1) and them, read at the board and ordered that Col. Davis, Lieut. John Smith and Joseph Hall be a Committee to view the land from the peke? (2) of Haverhill till four or five miles to the northward of Exeter river be compleated of eighty miles breadth, and that they may report to his Honour the Lieut. Govr upon their oaths how they find the quality of the said land, and that the charge of the Committee be defrayed by the proprietors of Cheshire and Nutfield; and that Kingston, Cheshire and Nutfield be notified when the Committee enter upon the affair, that one man of each of those towns may be appointed to go with them, if such town see meet, and that the report be made at or before the 18th day of April next.

Richd Waldron, Cler. Con.

The Lieut. Govr acquainted the board that he was advised from Hampton, that two men of that town, namely Isaac Green and Edward West, who lived more than a mile to the northward of that which has been the reputed dividing line more than twenty years, are now imprisoned at Newbury by Salisbury constable for rates.

Ordered, That the Clerk dispatch advice to his Excell^{y} ye Govr of this matter without delay, and pray his favour & direction in the premises. A copy of ye letter to ye Govr is on file.

Richd Waldron, Cler. Con.

(1) Chester.
(2) Peak—the top of a hill or mountain, ending in a point.—*Web. Dic.*

[p. 398.] Pro: N. Hamp^{r}.

At a Council held at Portsmouth, March 14, 1720-1.

Present.

His Honour John Wentworth, Esq., Lt. Govr.

Saml Penhallow, } Esqs. Richd Wibird, } Esqs.
Geo. Jaffrey, } Thom^{s} Packer, }

His Honour laid before the board a letter advising that constable Longfellow of Hampton was seized and imprisoned by the constable of Salisbury, &c.

Ordered, That the clerk forthwith inform his Excellency thereof by a letter, and pray his discretion and favour in the affair. A copy whereof is on file.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, March 21st 1720–1.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Sam. Penhallow, } Esqs. Shad: Walton, } Esqs.
George Jaffrey, } Richd Wibird, }

Thos Westbrook, Esq.

The petition of James Johnson, Samuel Weeks and Josh^{a} Weeks, of Greenland, in behalf of that parish, directed to the Honourable the Lieut. Govr and Council, praying to be dismist from the Bank, from having any tax laid on them there; and to be freed from the charge and trouble of attending the publick town meetings there; and that a Committee be appointed to proportion the said Parish in the Prov: rate; and that the Treasurer be directed to issue out his warr^{t} from time to time, to the said parish accordingly; and that they may chuse a constable amongst themselves to collect the assessm^{t} that shall be made; and lastly that they may chuse one Assembly man to represent them in Genl Assembly, for the reasons in said petition mentioned, — being read, as on file —

[P. 399.] It was agreed and Resolved, That the prayer of the said petition be granted; and ordered that a Committee upon oath take an account of the ratable estate of the district of Greenland, by which their proportion of the province tax is to be settled, who are to make return to this board; that the Treasurer's warrants be made out accordingly; and ordered Messrs. Eph^{a} Dennet, Thos Pierce and Saml Shackford be the Committee to take an account of the ratable Estates of Greenland district and make return thereof upon oath, by the first of June next.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, May 9th, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, George Jaffrey, } Esqs. Richd Wibird, Thos Packer, } Esqs.

William Blackstone, Maturin Ruar* and Benj^{a} Stanton, appeared at the board and made oath concerning several pine trees cutt into logs by Capt. Benj^{a} Wentworth, that they were not fitt for masts; and that the s^{d} Wentworth in the quality of a Surveyor, marked such trees as were, &c. as appears at large, pr the affidavit on file.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, June 26th, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Shad: Walton, } Esqs. Richd Wibird, Thos Packer, } Esqs.

Forasmuch as the small-pox is very rife and dayly spreading in the town of Boston, from whence there is a constant and common trade to this river by [P. 400.]

* This name is doubtful.

coasting sloops and other vessels, by which means the contagion may probably be brought hither and spread in this province, unless due care be taken for the prevention thereof:

It is therefore hereby Resolved, that a special order forth^{wh} issue from this board to Mr. Robert Coates directing and requiring him immediately upon the arrival of any such coasting sloop or vessels, to enter on board thereof and make diligent inquiry and search of the condition and circumstances of s^{d} vessel and cargoe, and upon the discovery of any passenger or passengers, or any wool or woolen cloth, cotton or cotton cloth, or any other goods (that may be retentive of the contagion) on board the said sloop or vessel, to direct the master thereof forthwith to proceed wth his sloop or vessel, passengers and cargoe, behind Clerks Island, and there anchor his said vessel, and there continue till further order, and not discharge any of his passengers nor unlade any of his cargoe untill he shall receive such further order; and the said master and passengers are hereby required to be obedient to the directions of the said Coates, the officer, as they will answer the contrary at their peril. Richard Waldron, Cler. Con.

Ordered, That Shad. Walton, Richard Wibird & Thomas Packer, Esq. be a Committee to go to the house upon Ward's Island in Piscataqua river, and see the condition of said house, whether it be suitable for a pest-house, or what repairs may be necessary to make it so; and that the same may be improved as such, if occasion should require.

Richd Waldron, Cler. Con.

[P. 401.] Pro. N. Hamp^{r}.

At a Council held at Portsmouth, July 27, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, George Jaffrey, } Esqs. Shad: Walton, Richd Wibird, } Esqs.

Thom^{s} Packer, Esq.

His Honour, the Lieut. Govr laid before the board a letter from his Excellency, dated at Cambridge, July 25th 1721, directed to his Honour, advising him that he had ordered the levying two hundred and fifty recruits in the Mass^{a} to cover the Eastern settlements, and desiring the Lieut. Govr to summon ye Council and take their advice in furnishing the quota of this Province; which letter being read and the question putt whether this Province should send their quota, it was resolved in the affirmative; and that the number to be sent hence be thirty-five: and ordered that the Clerk forth^{wh} issue out warrants to the Colonels to cause their proportions to be imprest out of such regiments, (viz.) out of Col. Waldron's seventeen, and Col. Hunking's eighteen.

Richd Waldron, Cler. Con.

Nathan Longfellow, constable of Hampton, and John Collins one of the borderers upon the dividing line of N: Hamp^{r} & Mass^{a} Governm^{t} being sent for, appeared at the board, and being examined concerning the said Collin's imprisonment (for refusing to pay his taxes at Hampton) as on file: It was ordered, That he, the s^{d} Collins, be dismist from his imprisonm^{t}.

Richd Waldron, Cler. Con.

Henry Ambrose and Andrew Greelee, borderers upon the partition line of N. Hamp^{r} and Mass^{a} and prisoners for refusing to pay their several taxes at Hampton, prayed to be heard at the board; and being admitted, humbly moved for a release from their Imprisonm^{t}.

[P. 402.] Ordered, That they be discharged; first giving bonds with a surety to pay their several rates for which they are now imprisoned, or deliver up their persons to the Govern^t when demanded.

They gave bond accordingly — as on file.

Richd Waldron, Cler. Con.

Pro: N. Hamp^r.

At a Council held at Portsmouth, Aug^st 4th, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Richd Wibird, } Esqs.

His Honour the Lt. Govr represented to the board, that the Govern^t of the Mass^a had delegated several persons of distinction to go into the Eastern frontiers and Inquire into the late misbehaviours of the Indians there, and to demand satisfaction for the same; and proposed, that Col. Walton should be desired (in behalf of this Province) to joyn the said Gentlemen in the s^d affair; which was consented to, and then ordered that the Clerk make out a warrant for the said Col. Walton accordingly.

Ordered, that the clerk prepare a warrant for Mr. Joseph Pierce, to accompany this Province's quota of souldiers going eastw^d in the capacity of a surgeon.

Richd Waldron, Cler. Con.

[P. 403.] Pro: N. Hamp^{r}.

At a Council held at Portmouth, September 21st, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Richd Wibird, Thom^{s} Packer, } Esqs.

His Honour the Lt. Govr moved ye Council for their opinion relating to the two deserters from ye Eastern forces, namely . . . . . now in prison, who agreed that they be forthwth punished and returned to their duty; and thereupon ordered that Col. Hunking (to whose regiment the said deserters belong) forthwth assemble so many of his commission officers as he thinks meet and proceed to the tryal of the said deserters, so that in case of conviction, they may receive their punishment on Saturday next, at three o'clock afternoon; and further, that the said Col. Hunking be assisted in the tryal (besides by his own officers) by Col. Shadrack Walton, who is hereby impowered to joyn and assist therein, and that Col. Hunking be served wth a copy of this ord^{r} immediately.

Richd Waldron, Cler. Con.

Pro: N. Hamp.

At a Council held at Portsmouth, Oct. 15th, 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Richd Wibird, Thom^{s} Packer, } Esqs.

His Honour the Lieut. Govr acquainted the board that he had received a letter from Govr Shute advising him of a general Thanksgiving ordered and appointed in the Prov: of Mass^{a}, and proposed that Proclamation be issued out for a publick Thanksgiving in this Governm^{t} also: Whereupon, It was Ordered, that Mr. Penhallow prepare a draught, and that the clerk forthwth issue out Proclamations copyed from the same, the day appointed being ye 26th of ye instant month.

[p. 404.] Pro: N. Hamp^{r}.

At a Council held at Portsmouth, Feby 6th, 1721-2.

Present.

His Honour, John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Richd Wibird, Thom^{s} Packer, } Esqs.

It appearing to the board that there are a considerable number of Indians at Dover whose words and actions give just grounds of suspicion of an ill design agst that town, the Council request his Honour to cover the inhabitants there with fifty men for six days; and ordered that the Treasurer supply them wth three hundred weight of bread.

Richd Waldron, Cler. Coun.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, as the Supream Probate, Dec. 9th 1721.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad: Walton, } Esqs.

Thom^{s} Packer, Esq.

Hugh Banfield, Apell^{t}

vs

His Brothers and Sisters, Appell^{es} &c.

Ordered, That the Clerk issue out a warr^{t} for a new appraism^{t}. upon John Banfield, dec^{d} his land Estate, and for making a plat thereof to be delivered to the Clerk of the Council within thirty days; who shall administer the proper oaths to the appraisers, and that the appell^{t} chuse one, the appell^{es} another, and the Council appoint Mr. Hughes the third.

Ric^{d} Waldron, Cler. Con.

[P. 405.] Pro: N. Hamp^{r}.

At a Council held at Portsmouth, as the Supream Probate, Feb^{r}. 6, 1721-2.

Present

His Honour John Wentworth, Esq. Lt. Govr.

Saml. Penhallow, Mark Hunking, } Esqs. Geo. Jaffrey, Shad: Walton, } Esqs.

Thom^{s}. Packer, Esq.

Joseph Swett, Appell^{t}.

vs.

Sarah Swett, Appelle.

From the sentence of the Judge of Probate appearing and allowing the will of Joseph Swett, of Hampton, Deceased:

Both partys being present and heard, the Court recommended an agreem^{t} to them, and adjourned for ye space of eight days, to give them an opportunity so to do, &c.

Rich^{d}. Waldron, Cler. Con.

Pro: N. Hamp^{r}.

At a Council held at Portsmouth, as Supream Probate, March 7th, 1721-2.

Present

His Honour John Wentworth, Esq. Lt. Govr.

Saml. Penhallow, Geo. Jaffrey, Mark Hunking, } Esqs. Shad: Walton, Richd Wibird, Tho. Packer, } Esqs.

Hugh Banfield, eldest son of John Banfield, dec^{d} Appel^{t}. His Brothers and Sisters, the other children, of the said John Banfield, Appell^{es}.

From a judgment of the Judge of Probate for the division of the aforesaid deceased John Banfield's land estate among his children;

The pleas and allegations on each side [P. 406.] being

fully heard, and a new appraisement and plat of the premises made and exhibited to the Court, upon oath, according to law:—It is considered, that the lott formerly allotted to Agnis Fletcher by the Judge of Probate, be hereby confirmed to her, now Agnis Parsly, and that ye proportion of Charles Banfield be confirmed where his house now stands; and that Hugh Banfield, the Appell^t, have the residue of the premises, paying to each of the other children of the deceased, after the rate of eight pounds per acre for their respective proportions, wth in two years from this time, with lawful interest for the same, Provided he the s^d Hugh give sufficient security within ten days for the aforesaid payments; and in case of his default or neglect, then the other children to have their several allottments and proportions according to the aforesaid division of the Judge of Probate; and that the widow of the deceased have the homestead and orchard according to former allottment.

Richd Waldron, Cler. Con.

Pro. N. Hamp^r.

At a Council held at Portsmouth, as Supream Probate, March 13, 1721-2.

Present.

His Honour John Wentworth, Esq. Lt. Govr.

Saml Penhallow, Geo. Jaffrey, } Esqs. Shad: Walton, Richd Wibird, } Esqs.

The judgment of this Court of the 7th instant in the case of Hugh Banfield Appell^t vs. his Brothers and Sisters, appellee, wanting some explanation;—It is hereby declared, that the true "intent and meaning thereof was, that the said Hugh Banfield shall give security for the payment of no more mony to his brothers and sisters than the price of the land (at ye rate of eight pounds an acre) which he is forthw^th to possess and enjoy; and that he, the said Hugh, shall have two years time after the death of his mother, for

the paym^{t} of what the house and homestead amounts to at the afores^{d} rate wth interest, which said house and homestead his s^{d} mother is to improve and enjoy during her natural life.

Richd Waldron, Cler Con.

Memoran^{d}

Richd Parsly has taken upon himself to keep and maintain the fence at ye lower end of his lott at his own cost & charge.

NOTE. Thus far the Council Records appear to be complete, and are found in a full bound MS. volume in the Secretary's Office, labeled "JOURNAL OF THE COUNCIL, 1696—1722." But the Records of the Council which follow, from June, 1722, to November, 1728, appear to be very imperfect—some of them mere notes or scraps; these are found in the Secretary's office, in a MS. vol., labeled "COMMISSIONS, &c., COUNCIL & ASSEMBLY RECORDS, 1680 to 1740, Imperfect." It is a matter of deep regret, that full Records of the Council—during the aforementioned latter period—are nowhere to be found; but the above, such as they are, will be printed in the next volume of Provincial Papers.—ED.

END OF VOLUME II.

INDEX

[NOTE. The Index, which follows, is designed to contain the name of every person mentioned in this second volume. The officers of government, as Governor, Lieut. Governor, and Councellors, are put in SMALL CAPITALS, but not otherwise referred to, except as performing some assigned duty. The word *passim* indicates that a name is found very often in the volume, and need not, therefore, be repeatedly noted. Besides names, the Index, it will be seen, contains reference to all the leading matters in the volume, and should therefore be carefully consulted. The Editor has aimed to be accurate, but still fears that errors may be discovered.

When a name occurs more than once on a page, or on two pages in the same connection, it is not generally repeated in the Index.—ED.]

A

Abbit or Abbott, Jno. 178, 250, 269, 497, 498, 637-640.
Acadie....47, 502
Accutt, Samuel....89
Acts under Andros' Administration... 16
Adams, Charles....37, 533
Hugh, Mr....718
Addington, Isaac, Secy., 21, 41, 48, 53, 72, 114, 135, 137, 169, 300, 429, 472, 541, 548, 574, 649.
Addison, J....712
Address or Petition of Inhabitants of the Province, &c....34
Aga Mustapha....334
Ahanquit....112
Ahassombamett....112
Alborough, John, councillor....12
Alcocke, Job, Comr....78, 222
Alcott, Asst. Judge....232
Samuel, Capt....254, 272, 559
Alden, Rev. Lucius....107
Alexander, Joseph....39
Algiers, 337; treaty with....446
Allen, Edward....36
Rev. James....25
Gov. SAMUEL'S Commission, 59-62; instructions to, 63-69; 70, 113; letter to, 122; 195, 210, 215, 218, 260, 264; administration, 276, 277, 279, 284; speech, 291, 292, 294, 312, 341, 342, 345, 350; claims, 351; charged with fraud, 353, 356, 398, 405; deed to, 535-540, 542, 543, 544; bond to Waldron, 551.
Allin, Charles,....37
John, Lt....56
Thomas....673
Mrs. Elizabeth,....515, 547
Thomas, Trial, Allen vs. Waldron, 514-562.
Almery, Robert....106, 249, 715
Alwell, Jos....90
Amariscoggin fort....56
Ambrose, Henry....742
Amaseen, John....90, 94, 95, 239, 256
Amee, John....673
Andrews, Oliver....323
ANDROS, SIR EDMUND, Commission as Governor, 1-10; administration, 10-11; documents relating to, 11-16; laws passed, 16-18; arrival in Boston, 11-12; Pemaquid delivered to, 16; government overthrown, 20-22; 24, 26; Letter to Lords, 26-28; order for sending to England, 29; assault on Baron de St. Castine, 47.
ANN, Princess, Queen, 361, 366, 382, 389, 465, 580, 610, 626, 627, 636, 653; death of, 663, 664.
Anthony, Richard,....203
Appleton, Maj....54; Col. 141
Archdell, Col....151
Ardell, William, 35, 208, 233, 236, 237, 238, 261, 263; sheriff, 281; removed, 316
Arin, William....50
Armstrong, Robert, 348; Mr. 357, 567, 727
Arnold, Richard, councillor....12
Arowsick....731
Arnup, Will....90
Arsh, Thomas....37
Ashurst, Sir Henry....344
Assembly, General, prorogued, 105; dissolved, 170.

"Association" in New Hampshire to stand by the Protestant succession 196, 258
ATKINSON, THEODORE, 89, 207, 233, 240, 256, 258, 259, 289; Justice, 320 322; fees, 359; 365; receiver, 378, 386, 388, 390, 507 510, 517, 530-562, 563, 587, 633, 669; of the Council, 696; Just. In. C., 700; oath, 713 717, 723; dec'd, 734.
Atwood, Wm., Judge of Admiralty, 359, 391.
Auchmooty, Mr. 713
Austin, Thomas, ...36
Awansomeck 112
Ayres or Aires, Mark 38, 240, 465
Nathl, 38; serg. 169, 170, 175, 181, 245: Justice P., 321.

B

Babb, Peter, ...106
Samuel, ...106
Bachilor, Nathaniel, 39; Jun., 39, 239, 441, 574.
Badson or Batsons, John 90, 257
Bagatawongo 112
Bagway or Bagworth, Benjamin ...78, 81
Baillet, John 38
Baker, John 39
Sarah 181
Thomas, Capt. 635
Baker's river 635
Ball, James 474
John 673, 674
Tho: 673
Ballard, Mr. 182
Bamfield or Banfield, Hugh, 106, 519, 550
Hugh 746
John, ...745
Bancroft, Lt. 55
Bantield, Charles 747
Banks, Lt. 641
Barbados 83, 84, 707, 715, 735
Barbute, Mr. 204
Barclay, Sir George 188
Barefoot, Walter 533, 553
Barker, —— 10
Enoch 691
Barnes, Thomas 221
Bashaw, Ali 334
Bassett, Mr. 204
Baull, Peter 175
Beale, John 90, 182
or Beele, Edward 96
Bean, Daniel 35, 570
James 570
John 36
Samuel 579
Beck, Tho. 38
Bell, S. D. 528, 670
Shadrack 90
BELLOMONT, Earl, 217; Lord, 263, 264, 266, 268, 273, 279, 287, 289, 292, 294, 303, 304; Commission, Gov., 305-312, 313; sketch of, 324, 326, 328, 332; Papers, 335-358.
Benbow, Ad. 347
Benicke, Abra. 148
Jno. 148
Bennet, Nicholas 38
Berry, James 90
John, Sen. 39, 90
Joseph 130
William 360
Bertee, Mr. 544
Bertlett, Abraham 639
Bickford, Bridgett 457
John 37, 90, 182, 201, 247, 257, 433
Thomas 37, 126, 457
Bills passed 109
Bings, Rear Admiral 446
Biographical Sketch of Sir Edmund Andros 1, 2
Edward Randolph 13
John Usher, Lt. Gov. 70
Richard Martyn 116
Earl of Bellomont 313
Col. Winthrop Hilton 418, 453
Capt. John Mason's family 535
Joseph Smith, Esq. 587
Charles Story, Esq. 670
George Vaughan, Lt. Gov. 680
Theodore Atkinson, Esq. 734
Blackman, Corp. 269
Blackstone, William 740
Blagden, James, Lt. 71
Samuel 38
Blathwaite 472
Mr. 571
Wm. 572
Blew, Capt. 513
Bloody Point 529
Bly, Jno 179
Bomaseen 112, 318
Bond, William 38
Books of Law and Records 87, 213, 243
Booth, James 94, 96
Bores-head 431
Boscawen 195
Boston 77, 78, 79
Boulter, Nath. 515, 529
Boydel, John 698
Mr. 726
Brackett, Anthony 621
Chellis 90, 543
John 621
Bradford, William, councillor 12
Bramble, Thomas 674
BRADSTREET, SIMON, 10, 20, 21; Mr., 23; Gov., 48, 52.
Bridger, Mr., 344, 348, 350, 353, 354; John, 576, 577, 685, 727.
Bridget, Mrs. 303
Brigantine Tryalle 203
Bridgewater, J. 122
Brinton, Jahaleel 275
Broadbent, Mr. 22
Brockholes, Major 22
Bromfield, Edward 42
Brouse, Joshua 106
Brown, George 36
Jacob 441
William 21, 673
Mr. 214
Bruster or Brewster, John 38
Bryand, Elish 256, 359
Bryer, Elisha 403, 485
Buckley, Richard 89

Mr. 105
Bufford, Marcellus....34
Bullivant, Mr. Justice 22
Benjamin....312
Bunker, John....37, 237
BURGESS, ELISEUS, Gov., 677, 681, 682, 683, 689.
Burgis, James....90
Burchett, J....338
Burnum or Burnam, Jeremiah, 37, 291, 543.
Robert 37, 534
Samuel 38
Burniston, Charles 727
Buss, John....37, 126
Joseph 50
William 50
Butcher, Saml....323
Butler, Peter....204
Buttson, John....247
Byfield, Nathaniel....342

C

Calladonia settlement 319
Call, Peter 178
Cambell or Campbell, Duncan, 127, 240, 269, 294, 574, 701.
Camm or Cann, John 36
Joseph....36
Canada expedition 597, 617
Canarys 79
Canny, Samuel 171
Canoes, fleet of 438, 641
Carr, Samuel 30
Richard....702
Cart, Philip 533
Carter, Edward 554
Cary, Edw. 90
Matthew 100, 101, 105
Casco fort, 430, 464, 495; Bay, 506, 507, 592, 641, 656, 731.
Casowah, James 94
Cass, Joseph 39
Cate, John 37
Edward 38
William....38
Challot, Francis 436
Chamberlain, Rich 532-554
Ld....544
Champante, Mr. 340
Chapman, Saml. 725
Chase, Joseph 50
Cheles, Philip 37
Chenolln, John 38
Chesley, Philip, 37; Jun. 533, 565, 685.
James....565
Samuel, Lt., 419, 504, 508; Capt. 513, 564, 565.
Thomas....37, 259, 533
Chouse or Chownes, Joseph, 72, 73, 75, 78
Chul, Capt....165
Church, John 37, 50, 94, 189, 195
Col....436
Churchell, John 90
Clark, Jacob 90
John....96, 106
Nathaniel, councillor....12
Samuel....38, 554
Walter, councillor....12, 13
Claye, Richard 106
Clement, James 735
Clements, Job 86, 88
Coates, Robert 741
Cobbett, Thos., 34, 37, 40, 89, 91, 96, 130, 134.
Cochecho ....85, 172; river, 223, 225, 581
COFFIN, PETER, 36, 48; his garrison, 50, 51; of the Council, 63, 71, *passim*, 109, 114, 140; Capt. 149, 220; Jus. P., 231; Judge, 232, 259, 271, 272, 277, 287, 315; Jus. S. C., 321, 322, 362; Oath, 376, 397, 447, 543, 562; oldest councilor, 589.
Robert, Capt....581, 588
William....18
Coggeshall, John, of Andros' Council, 12
Colcord or Colcott, Samuel 39, 131, 570
Jonathan....570
Cole, Abraham....31
Isaac....35
Robert, Esq....334, 336
Collins, John 742
Colman, Jabez 570
Colonial officers confirmed 11
Comes, William....106
Comfort, Samuel....89, 301, 304, 320
Commission, of Sir Edmund Andros, 1-10
to Edw. Randolph....13
of Gov. Saml. Allen 57-63, 215
of Wm. Partridge, Lt. Gov...215, 259
of John Usher, revoked 215, 260
of Earl of Bellomont....305-312
for administering oaths....312
of Gov. Joseph Dudley....366-375, 377
Commissioners of Provinces....733
Conner, Charles G....514
Converse, James....300
Conversion of Indians and negroes 317
Cook, Elisha....21, 699
John....36, 37, 90
Coroner, Francis Tucker....231
James Lovett....255
Corvell or Cowell, Joseph....78, 81
Cotter, Philip....36
Cotton, Rev. John....261
Rev. Seaborn....587
Benjamin....39
John....37, 181, 182, 411
Solomon....178
Wm., 38, 181, 193, 198, 361, 400, 402, 413, 489, 490, 534, 569, 666.
Council, her Majesty's....544
Councillor's attendance....582
Fine for non-attendance....720
Court, Superior, 17; of Sessions, 17; of Chancery, oath, 342; at St. James names of, 601, 605.
Craggs, Ja....690
Cram, John....39
Cranch, Andrew....90
John....175
Cranfield, Gov....78
Critchell, Elias....148
Crommett, Jeremiah....654
Cross, John, 94, 99, 141, 172, 178, 221, 295, 422, 436, 447, 448, 175, 570.
Crumwell, Jno....148

Jere....148
Crowder, John....96
Cunningham....634
Currier, Jeff....90
Custom-house fees, 19; returns, 77-88.
Cutler, Mr....22
Cutt, John....39, 84

D

Dame or Dam, John....194, 197, 199, 271
Will....178
Danforth, Thomas....21, 48
Daniel, Ed....35
Dantimony....248
Dartmouth, Ld....544
Davis, David....148
James, 40; Lt. 72, 321; Capt. 495, 496, 499, 565, 566, 687, 692, 706, 713, 724; Col. 738.
John, 37; jun. 38, 126.
Joseph....37
Moses....37
Richard....106
Thomas, 38; Secretary and Clerk, 85, 86, 87, 120; Mr. 693.
Timothy....447
William....38, 106
Davison, Major....347
Dawling, Trevor....312
Days of the week....283
Deal-boards....350
Dean, John (wife of)....126
Dearborn, Samuel....131
Thomas....39
Debts and claims....245
Declaration of war....366
Deed, Indian, 1629....526, 557
to Samuel Allen....535
Degens, Thomas....253
Denbow, Salathiel....37
Dennet or Denest, John....39, 519, 550
Ephraim, coroner....737
Derry, James....37
John....37
Deserters....127, 252, 513, 744
Deves, William....38
Deverick, Ralf....555
Dey, Mustapha....334
Dimond or Dymond Ens. Thomas...71, 89
Divisional line....730
Dodevah, Christian....35
Doe, Jno....148
Samson....148
Dolofe, Christian....533
Doney, Robin....112
Doolor, John....35
Doore, Richard....179
Dorse, Samuel....90
Douie,—Indian....128
Doules, Philip....37
Dover, proceedings at, 32; Neck, 33; massacre at, 46; Representatives, 71, 161; due to, 221, 445.
Dow, Henry, 30; Ens. 31; Capt. 71, 104, 107, 117, 133, 139, 146, 149, 154, 157, 168, 174, 176, 177, 178, 183, 199, 202, 214, 222, 242, 263, 315, 320; Just. P., 321; Com. 360; oath, 376; of the Council, 378, 426, 430, 488, 517, 605.
Jabez....442, 721
Josiah....485
Samuel....259, 519, 550
Symon....441, 559
Downes, Thomas....37
Downing, Jno....201, 543
Drake, Nathaniel....39
Abraham....39, 441
Duallons, Richard....37
Duday, Philip....35
Dudley, Billy....36, 543
Joseph, 10; of Andros' Council, 12; Mr., 14; in prison, 22; Gov., 365; Commission, 366-375; takes oath, 375; vice admiral, 382, 399, 403; instructions to, 405, 412, 416, 426, 427, 438, 439, 452; driven to sea, 456, 458, 460, 461, 469, 493, 501, 534, 578, 582, 594, 602, *passim*, 606.
Matthew....719
Paul....717
Samuel, Rev....418, 426
Stephen....36
Theophilus, 36; Capt. 426.
Thomas....35
Dug, Joseph....50
Duggins, Daniel....106, 134
Mr., agent....717, 719
Dummer, Rev. Mr....56
Duncan, Joseph....50
Dunn, Nicholas....37
Dunnell, Benjamin....566
Duren, John....36
Durgen, William....37, 148
Duty on articles....173
Dyar, Edward....36

E

Earle, Wm....534
Easman or Eastman, Saml....706
Eason, Robert....414
Eastwick, Mr....348
Eaton, Ephraim....490
Edgerly, Tho....33, 37, 124, 126
Edgermett....112
Edisbury, Jo....540
Edments, Thomas....38
Ejectment, writ of....544
Elkins, Eleazar....36
Gersham....131
Jonathan....246
Moses....146

ELLIOTT, Ellot or Ellott, Mr. ROBT., 34, 37; of the Council, 63, 71, *passim*, 72, 101, 113, 129, 151, 158, 182, 205, 230; advances money, 232, 246, 248, 256, 258, 259, 271, 275, 279, 280; suspended, 293, 302, 312, 315, 317; oath, 376, 463, 461, 477, 498, 502, 508, 510, 579, 597, 614.
Ellis, John....36
Elwell, Ezra....94
Joseph....94
Embargo....234, 244, 611, 643, 701
Emery, James....516, 541
Emerson, Rev. Jno....688
Emlen, John....39
Enderson, Will, sen....90
England, Stephen....510
Erle, Lt. Gen....511
Eskummitt—Indian....318
Estwick, Phesant, 79, 80, 82, 84, 90, 91, 95, 129, 131, 141, 241.
Steven....90
Evans, Robert....sen. 37, 50; Ivins, 92
Evens, John....500
Everitt, Capt., 151, 153, 157, 158, 159, 161, 162, 163, 165, 169.
Every, Henry....194
Evy, Thomas....58
Exeter, proceedings at, 31; representatives, 71; men raised, 127; disbursements, 149; soldiers at, 155, 161, 174, 176, 229, 247; rates, 252, 415.
Expedition to Canada, 597, 629, 633, 634

F

Fabens or Fabin, Elizath., 112; wid. 114
George....38
Fabes, Jno....71
Falkland, ship....226, 233
Farmer, John....203
Farwell, Mr....22
Fast-day, or General, 303, 432, 606, 613, 621, 626, 627, 631, 648, 657, 891, 723.
Fees for Custom-house, 19; stated, 114.
Fellows....699
Fenicks, John....94
Fenlayson, Wallace....735
Ficket, Joan....35
Field-marshal....252
Field, Joseph....533
William....39; Lieut., 459
Zachary....533
Mr....708
Flfield, Benjamin....39, 566
Edward....570
Fire in Boston....629
Fletcher, Agnis....747
John....38, 534
Col....110, 351, 354, 355, 356
Nicolas....178, 201
Richard....182
Flood, James, Capt....77
Florelle, Lovis....493
Floyd, Capt. John....42, 55
Fogg, Daniel....106, 201
Samuel....39
Seth....441
Foill, Zecharias....37
Follet, Nicolas....33, 83
Footman, Thomas....115, 247, 257
Foot, Capt....56
Pasco....707
Forbes, Wm....94; Capt., 623
Forster, Richard....502
Fort-house, 73; Wm. & Mary, 116, 119, 120, 205; repairs, 230, 239, 240. 252, 262; plans of, 316, 409, 410, 445; labors at, 416; repairs, 463; soldiers in, 474, 475, 477, 486, 579, 588, 597, 675.
Foss, John....37; sen., 39, 90, 431
Saml....90
Will....90
Foster, John....21, 42
Foulsham or Folsom, Ephraim, 36, 533, 534;
John....360, 523
Nathl....733
Peter, Ens....71, 531
Foxcroft (Justice)....22; Francis, 312
French, enemy, trade with restrained, 223; priests, 319; Roman Catholics, 430; fleet, 476, 477.
Frenchmen to be registered....429, 430
Friard, Elisha....38
Frontiers, provision for, 85; exposed, 496
Frost, Maj. Charles....29, 47
Capt. George....148
John....175, 502; Just. P., 686; 707
Fundy, bay of....186
Furbush, Wm....95
Furber, James....253
Jethro....519, 550
William, sen., 37; Ens., 40; Lt., 72, 146, 193, 197, 198; trial of, 199, 200; petition of, 201, 247, 257, 360, 533.
Furzer, Mr....344
Fryar, Joshua....37
Mr. NATHL, 34, 37; Jun., 40, 41; of the Council, 63, 71, *passim*, 94; Capt., 133, 134, 135, 136, 140, 143, 145, 181, 185, 196, 208, 209, 210, 218, 230, 231, 242; Probate of Wills, 243, 259, 286, 315; Justice, 321; oath, 376; resigns, 410; notice of, 424, 533, 553.

G

Gambling, Benjamin....637, 699, 737
Garland, Jacob....131
Garrison at Cochecho, 49, 50; at Exeter, 55; on frontiers, 150, 152, 167, 174; at Oyster river, 175, 176, 177, 180, 181, 188, 204; at Dover, 214, 235, 237, 238, 239, 246, 273; in each town, 465, 479, 503.

Garrway, Benj.....323
Gatchell, Benjamin.....637, 638, 640
Geary or Geere, Benj.....245
John.....106
Gedney, Bartholomew, 21, 47, 104; Col. 141.
General Assembly called, 86; answer, to Lt. Gov., 121.
George, Prince.....446, 544
R. (King) 663; proclaimed, 664.
GERRISH, Capt. John, 33, 37, 40, 41; of the Council, 63; Capt., 102, 104, 133, 146, 155, 171, 222; Assist. Jus., 232, 246, 282, 315; Just. S. C., 321, 500, 543, 632.
Mrs. Jane.....725, 734
Nathaniel.....734
RICHARD, Capt., 664, 683; Jus. P., 686; of the Council, 696; Just. In. C., 700.
Sarah.....50
Timothy, Capt.....724
Gibbens, Ambrose.....558
Giles, John.....300
Mark.....436
Gilman, David.....361
Edward.....36
James.....36, 361, 519, 550
Jeremiah.....37, 361
John, Sen.....36; Jun., 36
Capt., 402; jun., 418, 419, 510, 582, 726
Lieut.....519, 534, 550; Just. P., 706
Moses.....36; Jun., 35
Nicholas, 360, 491, 543; Just. P., 687, 706, 725.
Samuel.....36
Gitto, Richard.....673
Glas, Richd.....90
Glidden, Charles.....35
Goal.....181, 683, 690, 723
Godfree, Isaac.....39, 131
John.....39
William.....131
Goodricke, H.....122, 195
Gorden, Alexander.....35
Nicholas.....35
George, Mr.....23
Goss, Richard.....37, 90
Gove, Edward.....31, 39, 41
John.....321, 441
Gouch, James.....82
Gould, Phillip.....673
Goyles, Mark.....36
GRAFFORD, THOMAS, of the Council..63
Grafton, Thomas.....37, 51
Widow.....256
Graham, Mr.....22
Graves, Francis.....402
Wm.....147, 554
Gray, Jno.....253
Gregg, James.....738
Great Island, a township.....93, 98
Charter of.....107
Greelee, Andrew.....742
Green, Abraham.....31
HENRY, 31; Just., 44; of the Council, 63, 71, *passim*, 103, 113, 205, 212, 214; Just. P., 231; adv. money, 232; Judge, 232; removed, 280, 321, 533, 553.
Isaac.....738
Jacob.....321; Capt., 426
Greenleaf, Left.....54
Greenland Parish.....691, 739, 740
Gummer, Richard.....483

H

Hale, John.....37, 259
Hales, Edward.....90
Richard.....90
HALL, KINSLEY or Kingsley, 36, 71, 161; Capt. 174, 178, 183, 199, 202; of the Council, 203, 256, 257, 280; Just. P., 301, 533.
Edward.....685, 692
John.....533
Joseph.....738
Nathaniel.....36
Ralph.....36, 533
Samuel.....554
Ham, John.....37, 50, 106, 500
Hamilton, Andrew.....156
David.....56
Leonard.....36
Hammons, Maj.....303
John.....90
Jos.....557
Hampton, proceedings at, 30; meeting of, 31; appoint commissioners, 31, 32; representatives, 71, 114; soldiers, 127, 149; selectmen, 154; bounds, 166, 168, 220, 228, 445, 480; Parish, 722; North H., 725, 726.
Hancock, Capt.....226, 248, 251, 252, 253
Hanson Philip.....35
Hanson, wld. of Thomas.....50
Harris, George.....90
Harst or Hust, John.....89, 262, 263
Hart, Samuel.....724
Hartz.....99
Harvye, Mrs.....485; Elizabeth, 486
Hatch, John.....87, 259
Haullrig, George.....39
Hawk, sloop.....715, 716
Hayes, John.....37
Haynes.....99
Robert.....221
Sam.....245
Wm.....246
Head, Arthur.....90, 94
Heard, John.....500, 501, 533
Nathaniel.....37
Samuel.....37, (Mrs., 50) 103
Capt.....155
Tristam.....501
Heath, William.....566
Hedges, C.....469; Secretary, 544, 604, 622
Hemp and Flax.....344, 345; tar, 729
Henenen? William.....253
Herbert.....583
Hicks, Michael.....691
Higgins, Beriah.....37, 79
James.....533
Highways.....228

Hilane, William.....35
Hill, Abraham.....217, 329, 333, 337
Capt.....317, 318, 319, 582
John.....38, 691
Nathaniel.....37, 533
Samuel.....78, 81, 182, 690
General.....626
Hilton, Mrs. Ann.....418
Charles.....554
Edward.....103, 418
John.....35
Richard.....301; Just. P., 686
Samuel.....35, 554
William.....35, 554
Winthrop, Capt., 418, 419; Maj., 425, 426; Lt. Col., 450, 453, 454, 461, 465, 478, 480, 481, 486, 488, 491, 497, 506, 517, 565, 568, 578, 579, 591, 598, 636.
Hinchman, Tho. Maj.....47, 48
HINGS or Hincks, JOHN, of the Council, 63, 71, *passim*, 72, 89, 100; president, 115, 117, 186, 203, 207, 210, 215, 218, 229, 232, 246, 248, 254, 256, 258, 267, 284, 293, 312, 315; chief justice, 321; oath, 376, 396, 399, 400, 411, 412, 423, 424, 429, 447, 448, 457, 543, 570; absconds, 571-604; petition, 694.
Samuel.....694, 722
Hobbs, Morris.....31, 39
Hobby, Sir Charles.....700
Hodg, Nick.....90
Hodsdon, Jeremiah.....554
Holland, Paul.....90
Thomas, 90, 162, 163; Mr., petition of, 380; wife Elisabeth, 380, 381, 385, 386, 578.
Hollicom, John.....240, 256
Holmes, Jno.....38, 82
Holt, Ld.....544
Hooper, Jno.....182, 735
Horne, Elisabeth.....36
John.....37
Tobias.....90
William.....50, 533
Hornybrook, John.....112
Horrill, Humphrey.....77
Houghton, William.....21
Howe, Mr.....544
Hues, Arthur.....182
Hughes.....699; Mr., 715
Clement.....728
Hull, Ben.....51
Capt.....237
Phinehas.....56
Humiliation and Fast.....105, 172, 271
HUNKIN or Hunking, MARK, 106, 360, 398, 559, 560; of the Council 603—*passim*—605, 607, 608, 614, 630, 675, 683; Just. P. 686; Just. S. C. 700, 709, 721, 725, 741.
Argalus.....735
John.....531; Capt., 642
Huntoon, Philip.....570
Hunter, Col.....692
Hurd's or Heard's Garrison...244, 223, 227
Husse, Ferdinando.....106
Hussey, John.....32
Hutchinson, Elisha.....104
Col.....352, 596

I

Impressing men.....461, 463, 464
provisions.....480
a shallop.....495
Independency desired.....342
Indians—no person to purchase land of, 17; wars with, 46-56; at Penacook, 47, 48; massacre at Cocheco, 49-53; Salmon falls destroyed by, 55; massacre at Lamprey river, 55; fight at Mequoit, 56; at York, &c., 56; at Pemaquid, 104; five nations, 110, 344; treaty with Eastern, 110-112; massacre at Oyster river, 125-129, 136, 138, 145, 184; at Portsmouth, 189, 190, 206, 223, 244, 248; treaty with, 297-299; names and marks, 300; meeting with, 317, 318; suspected, 324, 325, 347, 362; conference with, 393; danger from, 415; reward for scalp, 418, 428, 480; victory over, 492, 496, 497, 565, 566, 590, 598, 634, 641, 649; peace with, 656, 660, 674, 694, 695, 699; visited by Gov. Shute, 709; conference with, 715, 731, 743, 745.
Instructions to Gov. Samuel Allen, 63-69 to Gov. Joseph Dudley.....580
Ireland, families from.....718
Isle a Shoales.....71, 219, 483

J

Jackson, Benjamin.....112
Ephraim.....178
Mr.....344
John.....38, 77, 106; sen., 175, 639
Tho.....36, 38
Samuel.....178
Daniel.....386
JAFFREY or Jeffrey, GEO., 150, 196, 220, 243, 257, 264; of the Council, 380; suspended, 394; answer to charges, 396, 417, 460, 472, 483, 485, 494, 573, 578, 605, 689, 696, 698; Just. S. C., 700, 717, 720, 723, 724, 725, 730, 733, 734, 737.
James.....633, 699
Mrs. Hannah.....381
Jameson, Mr.....22
Jelkings, Eleazer.....533
Jenkins, Rowland.....246, 274
Stephen.....37

Jenks, John, of Andros' Council 13
Jennings, Francis.....443
Jocelyn, Henry 530
Johnson, Edmund.....39
James.....246, 739
Johnston, John.....37
Jones or Joanes, Benj.....36
Danl.....90
Francis.....38, 175, 178
Jenkin.....37, 533
John.....559
Joseph.....519, 550
Richard.....259
Stephen 37, 40, 42, 321
Thomas 90, 94, 96
Sir Wm. 22, 532
Jordain or Jorden, Lt.....22
Robt.....90, 94, 96
Sam. 673, 674
Jose or Joss, Richard, sheriff, 72, 73, 86, 89; Mr., 118, 182, 193, 201, 208, 213, 220, 256; removed, 281, 316, 317, 365, 379, 395, 401, 456, 485, 550, 723.
Joyce, James.....90
Judkins.....36
Julimatt—Indian.....48
Jurymen, names.....554

K

Kane, Mr.....22
Kankamagus—Indian.....48
Kaser, Ed.....37
Katherine, ship.....384
Keats, Samuel.....39
Keeas or Keis, Saml., 86, 88, 170, 193, 198, 534.
Keerick, Edmund 38
Keller or Kelley 35
Kendall, James.....150
Kennard, Edward 84
Kent, Joseph 37
Kettermogis 112
Kin, William 36
Kinckbon, Robert.....38
Kingston, grant for township, 119, 131, 132; resettled, 405, 496, 570, 588, 598, 728.
King, Daniel, Capt.....56
Kiniston, John.....36, 717
Kittery 55
Knight, Jno.....193, 194; Capt. 426, 559
Nathan. 571
Nathaniel.....106
Richard.....89
Knowles, John, jun.....442, 519, 550

L

Laconia.....526
Ladd, Nathaniel.....36
Robert.....79
Lahane.....638
Lambert, Philip 401
Lamprell, Benjamin.....570
Daniel.....441, 534
Settlement at river 724
Lane, John.....386
Sampson 530, 531
Thomas.....96
William 39
Lakin, Mr. 22
Lang, Capt. Jno.....273
Natt.....672, 673
Langdon, Tobias. 38, 40; Lt., 72; Capt., 202; Just. P., 321; 400, 402, 413, 426, 590.
Langmaid, Hen.....221
Margaret.....271, 275
Samuel 90
Langstaffe, Langster, or Lancaster, Henry, 36, 516, 529, 541.
Larance or Lawrance, David, 36, 259, 530
Lavadore, Mons 674
Lavers, Jacob 38, 170
Lavis, John.....94
Laws, to be copied, 84; demanded, 87; published, 100; disallowed, 332.
Layton, James.....106
Leach, James, 90; sen., 94, 96, 360, 554, 638.
James, jun. 554
John 90, 94
Lee, Abraham.....50; Mrs., 50, 500
Nehemiah 36
Leeds, P.....122
Legroe, Peter.....638
Lethers, Edward 37, 554
Letherby, Thomas.....201, 691
Letter, from Edward Randolph, 14; Nath. Weare, 43-46; Maj. Hinchman, 47; Richard Waldron, jun. 50; Gov. Bradstreet, 53; Saml. Appleton, 55; to Gov. Connecticut, 105; about mast trees, 122; massacre at Oyster river, 128; from John Usher, 135, 136, 144, 145, 151, 184, 186, 189, 190, 195, 209, 210; to Wm. Phipps, 137; Isa. Addington. 169, 173; Capt. Woodman, 175, 176; Wm. Stoughton, 158, answer to, 159; 205, 218, 223, 226, 234-6, 297; from his Majesty's Council, 194; board of trade, 216; from Prest. and Council, 233; Ichabod Plaisted, 264; to Lords of trade, 266, 267; to Earl Bellomont, 337-342; Gov. Dudley, 468, 492, 503, 513, 590, 593, 601, 622, 623, 649, 656, 659, 663, 666; Queen, Anne, 469; of Col. Hilton, 506; Gov. Burgess, 677.
Levitt, Leavitt or Lovett, John.....31, 39
James, serj., 169, 170, 175, 181; coroner, 235, 237, 321, 495; constable, 497, 587.
Moses.....36, 246, 321, 533

Thomas 176
Lewis, Abraham.....38, 502, 505
John.....39, 89, 96, 256, 554
Jonathan.....38
Philip 39
Thomas 37, 106
Lexington, Ld.....337
Libbe, Daniel.....106
James 178
John 106
Matthew.....106
License for marriage.....18
for the press.....19
Light, John 39
Lindsey, Wm.....540
Line between the Provinces, 113, 166, 168, 173, 685, 730, 732, 736.
Little Harbour.....437, 462, 530, 531
Little, Wm.....634
Lock, John.....217, 462, 554
Loe or Low, John 63, 252, 256, 543
London.....80
Long, Geo.....123, 142, 144, 145
John 80, 82, 131, 142, 144
Robert.....673, 674
Longfellow, Nathan, 736; constable, 738, 742.
Lorraine.....437
Lord's day, profanation of 109
Lothrop, Barnaby, of Andros' council..12
Lovell, Splan.....38, 182
Lubberland 103, 124, 147
Lucey, Tho. 38
Lunt, Daniel 50
Lydgett, Lt. Col. 22
Lyford, Francis, ...36, 79, 554

M

MacKeen, Mr.....736
James 738
Mack, Maj 269
MacGregory, Lt. Col.....22; Mr., 732
MacPhaedris 727
Madaubis—Indian 112
Madockawando—Indian 112
Magoon or Mogoon, John, 269, 271, 272, 274.
Mallagash 674
Manning, Capt.....22
Nicholas 112
Mansfield, William.....96
Marblehead.....618
March, John, Capt., 56; Maj., 247, 249, 269; Col., 420, 506, 507.
Hugh 106
Israel, Doct.....419
Maramasquand—Indian.....47
Marden, James.....90
John 90, 94, 96, 134, 245
Thomas 90, 221
Marchall, Thomas.....90, 96
Marktield, John.... 246
Marriage licenses.....18
Marston, Maston or Mastin, Ephraim, 32, 360, 411, 442, 519, 550.
Isaac 39, 554
James 32
Jonathan.....442, 559
Jos.....246, 256
Samuel.....31, 321, 543
Thomas.....554
Wm 554
Marsh, Hen.....148
Marting, John.....90
Martyn, Richard, 30, 38, 41, 51; Just. P., 72; Mr., 92; Selectman, 97; death, 116.
Mason, Mr.....14, 23, 352, 531
Mrs. Ann.....531
David 548
John 131
Joseph 182, 531
Rob. Tufton.....515, 528, 535
Robert 515, 532, 535
Tufton.....535
Will 531
Masonia 536
Mast-ships, seized.....142, 144
Masts, for ships.....350; trees, 577, 684
Mather, Rev. Cotton..... 25
Mathews, Benjamin.....37, 554
Capt. 148
Fran.....148, 519, 85
Maundy, Richard.....291
May, Edward.....253
Mead, Nich. 732
Meadows, Ph..... 217, 329, 333, 337, 583
Mecker, James 253
Meder, John, jun.....37
Joseph.....37
Menis.....674
Menzies, James.....517, 552, 559, 560, 671
John.....690
Menserat, Jos.....90
Merrimack river.....635
Meserve, Clem.....183
Messer, Ed.....36
Millard or Miller, Paul,.....73, 77, 78, 81
Miller, John, sen. 106
Milles, Jaramy 99
Mills, Richard 569
Mill-dam 585
Military force in towns.....584, 591
Militia at Hampton, 103; at Portsmouth, 103.
Ministers 109
Minutes of Council.....70-202
Misvoy, Issem 39
Mitchill or Michill.....83
Robert.....387
Moccasins.....493
Mogg—Indian 734
Mont-Real.....598
Monekton.....583
Monson, Richard.....38, 70
Montague, Chas.....122, 195
Montess, Capt.....285
Moody, Capt 695
Rev. Joshua..... .....25, 92, 93
Saml.....90
Moore or More, Danl.....182
Will. Ens.....33, 36, 40, 534, 559
Morgan, Richd .....533; jun., 36
Widow.....35
Morris, Tho.....148; Capt., 449, 455

Morse, Obadiah, 39, 97, 119, 158, 170, (Moss), 245.
Moulton, Benjamin.....39
Daul.....131, 442
Henry.....30, 32
John, sen., 39; Jun., 39, 40; Ens., 71, 131.
Joseph 39
Josiah, sen.....721
Robert.....442, 559
Mount Desert 436
Mounteas, James.....285, 322
Moxis—Indian.....318
Muckamug—Indian.....47
Munden, John, Capt.....334, 336
Musgrove, C.....600

N

Nantucket.....78
Nantaskett.....596
Nares, Nicholas.....36
Nason, Willobe.....179, 182
Nay, John.....246, 256
Nayl, Henry.....253
Neal, Samuel.....38
Walter.....38, 40, 529, 530
Negro murderer. 40
Negros or Negus, Isaac, Capt., 236, 237, 247, 256, 269.
Nelson, John.....21; Mr. 47
Matthew.....38
Newberry, volunteers.....55, 127, 141, 618
Newbury, Walter, of Andros' Council, 12, 13.
New Castle, charter of, 107, 110, 116, 149; bounds, 154, 155, 221, 229, 230, 237, 445.
Newfoundland.....79
Newichwannock.....127, 598
Newman, Mr.....622, 719
Newton, Thomas, Sec., 73, 75, 87, 312; Judge of Admiralty, 391, 548.
Nicholson, Francis Col., 594, 601, 602; Gen., 611, 616, 618, 619, 626, 629, 655, 656, 660, 662.
Nitamemet—Indian.....112
Nonsuch, ship 100
Nonville, Marquede.....24
Noraway, James.....246
Noridgawack, 453, 454, 455, 491, 492, 568, 695
Northey, Ed.....516, 556
Norton, Francis.....530, 531
Nottingham.....29, 407, 551
Nova Scotia, trade with restrained, 223, 502, 505, 507, 611.
Noyes, Oliver.....699
Tho.....541, 563
Nudd, Samuel.....442
Thomas.....31
Nutfield, settlement.....733, 736, 738
Nutter, John.....36

O

Oath of allegiance to Council.....12
form of.....87, 88, 191, 312, 320, 665
Odihorn or Odiorne, John.....90
Jotham.....90, 706; Capt. 726
Odlin, Rev. John.....688, 728
Oliver, Blackwell, Capt 14
John.....38
Richard.....90
Ombakegoa—Indian.....734
Order for election of Representatives, 283; of Council relating to Allen's appeals, 341; her Majesty's, 544.
Ordnance, supply of 599
Ordway, James.....515, 540
Origin of French and Indian war ...46-56
Oshaw or Ushaw, Daniel.....94, 96
Osgood, Edward.....179
Otis, Richard of Cochecho.....49, 50
Hannah, wife.....49, 50
Nathaniel.....50
Stephen.....49, 50, 554
Ounsakis, Phill—squaw.....112
Owen, Doctor.....352
Margaret.....381
Overthrow of Andros' government.....20
Oyster River, 55, 85, 124; destruction of, 125; garrisons, 126, 138, 140, 143, 149, 155, 161, 162, 169, 171, 172, 174, 175, 176-180, 201, 221, 225, 246, 436, 565, 566, 581, 634, 656; a Parish, 718.

P

Packer, Dr.....246, 257
Thomas, 37, 91-104, 106; Capt., 112, 114, 124, 128, 130, 133, 139, 146; Col., 185, 190, 192, 196, 204, 207, 263, 265, 401, 422, 424, 455, 460, 465, 467, 477, 484, 486, 488, 554, 563, 570, 579, 620, 655, 661, 670, 682; Jnst. P., 707, 741.
Page, Christopher.....442
Francis.....176
Paines, Thomas.....51, 90, 94, 96
Palmer, Judge.....22
Christopher.. ....30, 154, 157, 530, 554
Sir Jeffrey.....515, 531
Papers—Earl of Bellomont.....343-358
Paquaharet—Indian 112
Parcher, Elias.....179
Parker, Benjamin.....90
Thomas.....90, 94, 95
Parsly, Agnis.....747

Richard....718
Parsons, J. S.,....33
Joseph....42
Partridge or Patridge, John, 38, 39, 519, 550, 716.
James....534
Richard....530, 554
W....38
WILLIAM, 39; Treas., 73, 129; Mr., 160, 209, 210, 217, 218, 224; Commission, Lt. Gov., 259, 261, 267, 273, 276, 279, 287, 292, 315, 317, 328, 345, 347, 351-357, 361; Oath, 376, 377, 388, 394; horse rid to death, 400, 406, 407, 408, 413, 574.
Paul, Moses....90; London, 719
Passes, order relating to....337
Peace....644, 652, 659
Pearson, George....35, 533
Peck, Nathaniel....18; Mary, 18
Pemaquid fort....28, 46, 104
order respecting....16
PENHALLOW, SAMUEL, 39, 41, 170, 193; Just. P., 321, 324; Treas. of Council, 376, 378, 383, 392, 402, 414, 433, 443, 457, 459, 460, *passim*, 467-686; Just. S. C., 700; oath, 706, 708, 709, 720, 724, 730, 744.
Penny, Mr. Clerk, 71; Capt., 118, 124; Henry, 203; Sec., 213; Not. Pub., 231, 238, 243, 251, 256, 274, 320, 383, 401, 517, 534, 573, 671.
Pentagoet....47
Pepperill, Andrew....502
Mr....513
Wm....566; Lt. Col., 692
Perkins, Ebenezer....30
Humphrey....39, 507
Jacob....31
Permitt, Hannah....256, 257, 274, 275
Perry, Michael....74
Pest-house....716
Petition of N. Hamp. to Massa. Government, 40; answer to, 41, 42; inhabitants of Great Island for a town, 91, 94, 95; answer to, 96; of John Woodman and Capt. Gerrish, 102; of Geo. Long. &c., 142; of Wm. Graves, 147; of Duncan Campbell, 156; of John Dam. 197; of Wm. Furber, 201,; of Coasters Sloops, 509; of Hampton, 669, 670; of John Redman, 669; of Natt. Lang, 672; of Hampton Falls, 714; of Hugh Adams, 718; of Parish of Greenland, 739
Philbrook or Philbrick, James....168
Jonathan....39, 543
John....38
Thomas, sen....39; jun., 131
Philips, James, 221, 422, 436, 447, 448, 475; Capt., 478, 488.
Wm....673
Philpot, James....90, 707
Phipps, sheriff....678, 699
THOMAS, 443; Mr., 460, 587, 590; of the Council, 696, 723.
Sir Wm., 25, 91, 99, 101, 102, 104, 111, 113, 114, 124, 125, 135, 141, 233.
Pickering or Pickerin, Capt. John, 32, 34, (sen.) 38, 40, 41, 44, 72, 73, 74, 75, 87, 91, 93, 97, 114, 121, 231, 240, 250; (jun.) 277, 281, 291; Just. P., 321, (jun.) 38, 210, 212, 213, 360, 426, 460, 461, 465, 489, 490, 520, 531, 559, 571, 576, 587, 666, 687, 689.
Pierce, Lt. Col....127
Capt....678, Mr. Joseph, 743
Tho....740
Pike, Rev. John....55; Mr., 246
Maj. Robert....51, 52
Pinchon, Col....352
Pinder, John....477
Piner, Jno....148
Pinkham, Nath....36
Pipin, Ensign....22
Piracies....339; accessories to, 340
Pirates....191, 310, 312, 437, 702
Pitman, Francis....37
John....37, 201
Nathaniel....291
William....38; Mr., 303
Piscataqua....479
PLAISTED, Elisha....38
Ichabod, 263; Instructions to, 261, 265, 269, 270, 272; Dep. Survr., 861, 363, 381, 397, 571.
JOHN, 38, 106, 201, 259; Just. S. C., 322; of the council, 376, 378, 404, 447, 463, 483, 485, 543, 567, 576, 577; Just. P., 686.
Pollexfens, John....217, 329, 333, 337
Pomroy, Wm....216
Poney, Thomas, Maj. Gen....392
Popple, Wm....329, 729
Porpus, Cape....412
Port Royal, 206, 491, 503, 504, 566, 611, 613, 617, 629, 621, 623.
Portsmouth, a port of entry, 18; proceedings at, 34; men raised, 127, 149, 445; in danger, 586; trouble in, 665, 688, 723, 724.
Portugal, trade to....351-357
Post, from Virginia to Boston....100
from Piscataqua to Boston....100, 101
Office....109, 157, 158
Potle, Chr....214
Povey, John....329, 332, 333
Powder at Newcastle....229
Powell, Robert....36
Samuel....35
Prebble, Capt....641
Preson, Will....178
Preston, Lord....23
John....182
Prey, Samuel....507
Prince of Orange....29
Prior, A....329
Math....333, 337
Privateers....578
Proclamations, 188, 228, 252, 277, 282; of Peace, 297, 303, 327, 364; of War, 403; for Fast, 404, 432; about coin, 451, 511; deserters, 513, 596, 602; for Fast, 613, 626, 627-631, 648; for Thanksgiving, 646, 629, 615, 634, 612, 641, 647; trade with Indians, 650; of Peace, 652, 653, 659; for Fast, 657, 667, 672.
Protestant succession & association....258
Prout, Ebenezer....41, 53
Province of New Hampshire, unsettled state of, 29; address of inhabitants, 34; Seal, 467, 469.

Provisions, scarce.....178-180
for garrison.....188
Puddington, Robert.....38
Thomas.....38
Purmitt or Purmott, Hannah.....301
Joseph.....554
Puttency, J.....583

Q

Quampscutt or Swampscott.....688
Queen ANNE, letter from.....469, 548
Council names.....545
Letter to Gov. Dudley.....469
Order.....610
MARY—her death.....152
Quota of men in different Provinces...358

R

Ramsdall, Thomas.....238
Rand, Francis.....38
John.....37, 554
Samuel.....38, 90, 94, 96
Randal or Rendel, Edward.....90, 96
Jacob.....90, 94, 262, 263
James.....89, 103, 107, 245, 360, 554
Randott, Joseph.....684
wife, Martha.....684
Randolph, Edward, 11; Sec., 12, and register, 13, 14; Letter to Lord Treas., 14; license for marriage, 18; Coll., 20, 22; letter, 22, 25, 29, 119, 312, 384, 385, 398.
Rates of foreign coin.....592
Ravencroft, Capt.....20, 22
Rawling or Rawlings, James.....182
Ichabod.....36
Joseph.....559
Samuel.....106
Thos.....36
Read or Reed, Hugh.....597
Jno.....246, 273
Jos.....90, 94, 256
Thomas.....35
Recruits, levied.....742
Records, of Council, 203; missing, 295, 296, 302; demanded, 411, 414; Book, 442.
Redford, Wm., 99, 114; Dep. Sec., 129, 132, 141, 167; Capt., 170, 175, 180, 181, 183, 186, 192, 196, 197, 212, 226.
Redknapp, Capt.....463, 478; J. 579
Redman, John, Jun., 30, 259, 441, 515, 529, 554, 669.
Rendezvous-point....83, 431, 437, 462, 530
Richard, barque.....637
Richards, Jestenyan.....39
John.....21
William.....38, 106
Ricker, George.....36
Maturin.....36
Rimes, Samuel.....83, 85
Rine, Lewis de.....322
Ring, John.....485
Jarvis.....547, 552, 555, 671
Ringe, Daniel.....651
Roby, or Robay, Henry.....96, 554
Ichabod.....246
Sarah.....269
Samuel.....39, 441
Roberts, Dr.....22
George.....36
Hatevil.....36, 321
Joseph.....36
John, Left.....33, 37
Thomas.....36, 37, 516, 533, 542
Capt.....735
Robeson, Robertson or Robinson, David.....37
James.....90, 94, 96, 274, 554
Jonath.....533
Steven.....35
Rogers, Daniel.....643
Nathl, Rev.....383, 404, 688
Richard.....106
Romer, Col., 346, 411, 423, 435, 437, 444; Wolfgang, 445, 452, 457.
Romney.....195
Roscar, Roger.....37
Rose, widow.....490
Roger.....569
Rowe, Ed.....35
Rich.....36
Rowell, Philip.....56
Rowlenes, Samuel.....36
Rowley.....54, 55
Ruar, Maturin.....740
Ruicard, Daniel.....39
Rumry, Mathey.....90
Russell, Henry.....554

S

Sable, Cape.....674
Sackford, Samuel.....106
Saco or Sacoa fort.....318
Sadler, Joseph.....240
Sagamore creek.....96
Sagamores, names.....299-300
Salem.....54
Sallaway, Hen.....245, 247
Salmon Falls, destroyed.....55, 496
Saltonstall, Gov.....601

Samson, John....90
Sanbourn, Sanburn or Sanbourne, Benjamin....131
John....39
Joseph....39
Mephibosheth....31
Nathaniel....39, 131
Stephen....442
William, sen....30, 32
Sanders, Joseph....50
Sargeant, Benj....106
Jno....178
Nathaniel....706
Peter....21
Savage, Henry....106
John....38
Sawmills....358
Sawyer, Sir Robert....23
Scadlock—Indian....300
Scammon, Will....36
Schonberg, Duke of....514
School, Latin....651
Scott, Elizabeth....443
Scotch-Irish....718
Scouts, 230, 232, 247, 362, 363, 364, 393; Indian, 447, 466, 482, 496, 581, 582, 585, 590, 624, 693.
Scribner, John....36
Searle, John....90
Seal, Prov....610, 717
Seavey, Sevy or Seevey, Benj....90
John....38, 90, 554
Nathaniel....38
Saml....94, 96
Thomas....90, 94, 96
Wm....38, 89
Selectmen, Act for choosing....17
Sewell, Edward....554
Shackford, Jno....201
Samuel....740
Wm....182
Shannon, Richard....36
Sharp, Wm....99
Shaw, Dan....90
Joseph....32
Samuel....39
Sheepscoat, John....112
Sheife or Sheafe, Sampson, 275; commission, 278, 282, 284, 290, 295, 315, 384, 385, 390, 394, 400, 412, 493, 529, 558.
Sherborne or Sherbourn, Henry....38
John....37; sen., 39, 321
Mrs. Love....386
Samuel....31, 39, 41, 56
Sherlock, James....22
Sherlott, Francis....99; or Shallott, 475
Sheward, Joseph....106
Ships in New Hampshire....356
Short, Capt....91, 101
Shrewsbury....122, 343
Shrimpton, Samuel....21
SHUTE, SAMUEL, Gov., 695; Commission, &c., journey, 696, 698, 701, 726, 744.
Simpson, Joseph....727
Sinklee or Sinkler, James....36
John....35; jun., 35
Skees, Thomas....36
Skipway, John....37
Sleeper, Aaron....39
Small, Francis....515, 529
Small-pox....715, 740
Smart, Elisa....249
Robert....35; jun., 35.
Smith, Daniel, of Andros' Council....12
Ebenezer....148
Capt. of Gosper....400
James....37
John, 32, 39; Lt., 71, 166, 183, 321, 738.
JOSEPH, Esq., 32, 101, 166, 168, 175, 179; Maj., 199, 202, 222, 462; of the Council, 203, 205, 207, 208, 263, 265, 278, 286, 290, 291, 301, 304, 305, 480, 495, 508, 513, 530, 565, 566; Justice, 587, 624, 625, 643, 675, 686; Capt., 113; Mr., 691; Col., 697.
Robert....587
Theo....36
Smyth, at Oyster river, garrison....237
Sergt....269
Snell, George....38, 106
John, 38, 169; serj., 170, 181, 262, 321.
Mr....92
Saml....246
Snow-shoes....493, 496
Soldiers, to be raised, 103; from Boston, 127, 140; wages, 183; due to, 196, 220; in garrisons, 237, 245; at Oyster river, 253; impressed, 461; number quartered, 585; deserters, 625.
Southack, Cyprian....300
Southwell, Edward....311, 545, 604, 605
Soward or Seward, John....182, 240
Sowter, Mr....39
Speeches, Lt. Gov. Usher, 119, 120, 208, 589, 595, [Gov. Saml Allen 286; answer to, 288, 291;] 599, 609, 616, 618, 620, 675; of Lieut. Gov. Vaughan, 702, 704, 706.
Spencer, Humphrey....554
Spy vessels....586, 589
Squire, Barnard....37
Stamford,....583; Ld., 337
Staniford, Wm....669
Stanton, Benj....740
Stanyan, Jacob....720, 722
John....166
Stepney, Geo....329, 333, 337
St. Castine, Baron de....46
St. Christopher Island....46
St. Croix river....46
Stacey, Mark....36
Stephens, Joseph....384
Stevens, John....90
Stileman, Capt....72; Maj., 86, 88
Lucy....256
Richd....182, 183, 247
Stokes, Isaac....36
Storer, Saml....82
Story, Charles, 206, 209, 210, 211, 212, 213, 217, 320; Seev, 328, 365, 379, 365, 379, 383, 384, 395, 503, 513, 517, 560, 619, 666; decd, 670; sketch of, 670.
Stower, Joseph....36
Stoughton, William, 10; of Andros' Council, 12; Esq., 126, 135, 161, 163, 165, 166, 167, 173; Mr., 189, 205; Lt. Gov., 226, 229, 241, 248, 297.
Stratham, town....691
Stratton, Mr. G. and Wm....203
Strawberry-Bank....71, 74, 190, 225, 247

Strickley, Capt.....402
Sumers, Maj.....618
Summersby, Capt.....402
Sunderland, Earl.....23, 580, 582, 610
Swamscot.....84; a township, 691
Swallow, John.....323
Swamp, great.....228
Swett, Ben.....82
Geo.....97
Joseph.....321; Lt., 420, 746
Moses.....168
Sarah.....746
Symons, John.....35

T

Tailer, Col.....692, 693
Tankerville.....195, 217
Tar in New Hampshire.....348, 349
Tarlton or Taulton, Rich.....90, 94, 96
Tasker, William.....436
Tay, Capt.....101
Taylor, John.....39, 122, 134, 142, 162, 163
Jos.....246
William.....36
Tax.....19
Tebbets or Tippetts, Lieut.....504
Samuel.....246, 543
Theod.....256
Thomas.....37
Tebley, George.....38
Temple, Sir Thomas.....47
Thanksgiving, Publick, 188, 205, 227, 261, 281, 325, 359, 382, 392, 450, 470, 487, 602, 615, 628, 646, 695, 698, 713, 720, 744.
Thing, Jonathan.....36, 40, 71, 104, 533
Samuel.....36; Just. P., 687, 706
Thomas, Arch Bishop.....260, 312
Benja.....246
James.....35
Thompson, Robert.....565
Thwing, Capt.....127, 130, 133
Ticknor, John.....80, 83
Tilton, Daniel.....39, 242, 257
Timber in New Hampshire, 338, 340, 341, 347, 350; value of, 351, 353; waste of, 354.
Tobey, Alvan Rev.....147
Tom, Capt.—Indian.....48
Toogood, Edward.....463, 465, 543
Torlington or Tarlington, Richd., constable.....134, 183
Touse, Francis.....131
Towle, Philip.....30
Town-meetings, once a year.....18
bounds, 270; committee to settle, 360, 450.
Trabiganda, or Cape Ann.....536
Trading houses.....656
Traform, Foster.....90
Henry.....90
Treaty with Eastern Indians.....110
with Algiers.....334
At Utrecht.....644
Trecnick, John.....38
Treffrey, Capt.....22
John.....29
Trenchard, J.....122
Trevethan, Foster.....94
Henry.....94, 66
Trevor, Ld.....544
Trial, Allen vs. Waldron.....514-562
Troopers, duty.....431, 433, 581, 584, 598
Tru or True, Rich.....246
Trundy, George.....90
Tuck, Edward.....669
John.....39, 259, 721, 722, 729, 730
Tucker, Francis, 90, 94, 96, 182, 183, 231, 247, 304, 424.
James.....38
John, sen.....38; jun. 38, 170
Will.....90
Tufton, John.....533
Robert.....80
Tuttle, Lt. John, 32, 33, 40; Capt., 72; Representative, 89, 161, 178, 179, 183, 193, 198, 201, 202, 204, 207, 223, 245, 246, 247, 256, 257, 282, 304; Just. P., 321, 324, 346; Com. to run bounds, 360, 362, 426, 488, 542, 582.
Ensign.....634
Tyng, Edward, of Andros' Council.....12
Jonathan, of Andros' Council.....12

U

Unsettled state of the Province.....29-46
Usher, Jno., of Andros' Council, 12; Lieut. Gov., 63, 70—*passim*; notice of, 70, 100, 107, 114; want of support, 115; wife sick, 118; speech of, 119, 120, 128, 132, 135, 138; letters, 144, 145, 151, 159; Proclamation, 170; address to, 164, 167, 173, 184, 186-193, 197, 198, 200; speech, 208; commission revoked, 215, 218; disturbance by, 219, 224, 259, 261, 264-278; claims a seat in council, 279, 287-294, 305, 405; Commission, Lt. Gov., 406, 407; oath of office, 408; speech, 415, 417, 423, 439, 440, 441, 473, 521; pay for services, 459, 467, 476, 482—*passim*—561-676.
Utrecht, treaty of.....644, 653

V

Valentine, Jno.....523, 549, 559, 671, 717
Value of lands in New Hampshire....352
Vaughan, Capt.....433
George, 459, 516,557; Col., 677; Lt. Gov., 678; Commission, 679; and notice of, 680, 696-698, 702, 704, 705, 706; irregular proceedings, 709; suspended, 710.

WILLIAM, 30, 39; Maj., 32, 34, 41, 44, 51, 54; of the Council, 73, *passim*, 74, 93, 97, 101, 124, 129, 133, 140, 143, 145 146, 150, 156, 182, 184, 195, 207, 209, 216, 220, 227, 229, 230, 231, 232, 235-295; absconds, 296, 302, 304, 315; Just. P., 321, 325; Com. to run bounds, 361, 362, 414, 472, 490, 500, 563, 569, 572, 575, 579, 585, 614.
Veasie, George 35, 559
Thomas 35
Vernon, James.....339, 729
Vessels from Maine..... 85
in N. H., Boston and New York. 356
Vetch, Col. 594
Victories celebrated.....389
Virginia 79
Voderil, Mr.....593
Volear, Capt.....76
Volunteers.....419, 420, 428, 613

W

Wadleigh or Wadlee; Jonathan...360, 555
John.....35, 555
Robert.....33, 35, 41
Wainwright, Col.....506
Francis 699
Wakeom or Waicome, John.....39
Thomas.....182, 193, 194
Waldron, Maj. Richard, 29, 47, 48; killed at Cocheeho, 49-51; 532, 533, 541, 543, 724.
MR., Jun., 34, 39; Esq., 50, 51, 54; Just. P., 72; of the Council, 73, *passim*, 109, 113, 114, 140, 156, 182, 184, 195, 227, 232, 254, 259, 267, 272, 277, 279, 315, 317, 320, 341; fees, 359, 447, 491, 500; trial, Allen vs. Waldron, 514-562, 588, 603; Oath, 607, 621, 622, 686, 699; Just. Inf. C., 700, 706, 724, 725, 734.
Nicholas 38, 201, 246
Richd. Jun.....676; Col., 678
Walford, Jeremiah 90, 94, 99, 559
JOHN, of the Council 63
Steven.....96
Walker, Admiral Hovenden, 625, 626, 629
Capt.....674
George 38, 197, 198, 543
Jno.....247, 302
Wallis or Wallas, George....39, 90, 94, 96
William.....39, 91, 96
Wm.....437, 462, 471
Mr.....384
Walley, John, of Andros' Council, 12, 104
Watton, George 515, 517, 529, 702, 725
SHADRACK, 37, 40, 91, 94, 96, 104, 113, 114, 117, 119, 134, 141, 156, 188; Capt., 195, 199, 208, 259, 262, 294, 303, 305, 322, 411, 418, 424, 439, 464, 475, 477, 479, 480, 486, 498, 507, 508, 554, 568, 574, 621, 633, 641; of the Council, 696, 700, 707, 713, 741, 743, 744.
Wannerton, Capt. 531
Wanton, Lt. Col.....507
Col. Wm.....713
Wards Island.....741
Warden, John.....38
Wassambonet—Indian.....112
Waterhouse, David.....21
Jun.....106, 494
Richard.....38
Timothy 178
Water or Walternummus—Indian 635
Watson, Robert.....37, 554
Jno. 274
Wattanummon—Indian.....47
Watts & Joyles.....693
Waymouth, William.....36
WEAR, Weare or Wire, NATHANIEL, 31, 32, 73; of the Council, 84, 86, *passim*, 113, 166, 168, 205, 231; Just. P., 277, 287, 288, 317, 321; to run bounds, 360; oath, 376, 408, 491, 553, 686, 707, 714.
PETER, Lt., 212, 213; of the Council, 297; Just. P., 706, 710, 721, 722, 736.
Webber, Richard.....38, 554
Webenes—Indian.....112
Webster, Ebenezer 131
Thomas.....39, 131, 505
Wedgwood, David.....30
Jonathan.....32
Weedene, Jonathan.....179
John.. .....78, 81
Weeks, Joseph.....245, 739
Leonard.....39
Samuel.....739
Wells, Peter.....38
Attack on.....566
Wenobson—Indian.....112
Wenongahewitt—Indian.....112
Wentworth, Benjamin, jun.....685
Capt.....708, 740
Daniel.....38
Ezekiel.....37
Gershom.....37
JOHN, of the Council, 636, 640, 656; Just., 658, 675, 687, 698; Just. Inf. C., 700; oath, 706; Lt. Gov., 714; Commission, 712, 719.
Samuel.....38, 51, 554
Silvanus.....25
William.....35, 50
Wintworth, John Capt.....250
Wesbruck, John..... 38
Westbrook, Job.....38
John.....39
THOMAS, 431, 571; of the Council, 696, 731, 737.
West, Edward.....738
Elisa.....256
John.....96; Capt., 131, 142, 144, 145
Mr.....22
Westall, Daniel.....38
Westcoat.....674
Wharton, Richard, of Andros' Council.12
Wheeler, John.....35
Wheelwright's Pond.....56, 588
Col. John.....736
Whidden, Jonathan.....134
White, Capt.....22
Nathan 90
Will.....90
Whitehouse, Tho.....36

Whitehall.....581, 588, 533
Whitmore, Peter.....423
Whyting, Capt.....256
Wiggin, Andrew, 35, 272, 533, 691; Just. P 706
Simon.....35, 321
Thomas.....35
Willard, Rev. Samuel.....25
Secretary.....736, 737
Willcott.....531
Willey, John.....36
Stephen.....37
WILLIAM & MARY, King & Queen, 57, 88, 152; King Wm., 171; attempt to assassinate, 187, 258, 305; death of, 364.
Williams, Henry.....35
Lewis.....38
Willimott, Edward, Capt.....323
Willson, Humphrey.....36, 534
John.....36
Samuel.....540
Thomas.....519, 550
Wills, William.....36
Wincal, John.....597
Winckley, Samuel.....89
Capt.....502, 505, 508, 564
Wing, John.....112
Wingett or Wingate, Mr.....617
Joshua, Capt., 451, 455, 682, 683, 714, 721, 722.
Winnapessaaka.....565
Winnepisioca.....584, 585
Winnington, Sir Francis.....22
Winthrop, Adam.....21
John Fitz, of Andros' Council.....13
Wait, of Andros' Council, 12, 21; Judge of Admiralty.....325
Winter Harbour.....656
Withers, Daniel.....540
Witton, Rich.....540
Wittens, William.....37
Wonolanset or Wiolanset.....47
Woodbridge, Jos.....531
Woodman, Capt. John, 33, 37, 40, 72, 84, 102, 104; petition of, 115, 125, 139, 150, 161, 174, 176, 177, 178, 183, 199, 202, 204, 207, 223, 237, 247, 256; Just. P., 321, 362, 426, 430.
Wool, export forbidden.....387
Cotton-wool raised.....390, 395, 397
Wright, Nathaniel.....35
Wrighte.....375
WYBIRD or WIBIRD, RICHARD, 502, 597, 640; of the Council, 696—*passim*—724, 730, 737, 741.

Y

Young, Andream.....540
Robert.....56
Thomas.....37

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